Brian J. Boquist 17080 Butler Hill Road Dallas, Oregon 97338 Phone: 503-623-7663 Email: boquist@aol.com

# AMENDED COMPLAINT

**ATTACHMENT 4** 

24 September 2019

Case No. 3:19-CV-1163-AC

REQUEST FOR DECLARATORY JUDGEMENT

85 Pages

FREDERICK M. BOSS

DEPUTY ATTORNEY GENERAL

ELLEN F. ROSENBLUM ATTORNEY GENERAL



# DEPARTMENT OF JUSTICE

Justice Building 1162 Court Street NE Salem, Oregon 97301-4096 Telephone: (503) 378-4400

September 3, 2019

VIA EMAIL ONLY: boquist@aol.com

Senator Brian Boquist 17080 Butler Hill Road Dallas, OR 97338

Re:

Petition for Public Records Disclosure Order

Oregon Legislative Assembly

DOJ File No.: 142001-GA0122-19

# Dear Senator Boquist:

This letter is the Attorney General's response to your petition for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition, which we received August 26, 2019, asks the Attorney General to order the Oregon Legislative Assembly ("Legislature") to disclose records relating to certain reports made against you. For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers the right to inspect public records in Oregon, unless such records are exempt under ORS 192.338, 192.345, or 192.355. ORS 192.314(1). The law is a disclosure law, and exemptions from disclosure must be express. Any person denied the right to inspect or to receive a copy of a public record of a state agency may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.411(1). The agency carries the burden to sustain its actions. ORS 192.411(1).

# a. Background

Your petition explains that on July 1, 2019, you submitted a public records request to Jessica Knieling, the Legislature's Human Resources Interim Director, and to Brenda Baumgart of Stoel Rives LLP, outside legal counsel to the Legislature. Your request related to reports from members and employees of the Legislature about public statements you made that may have contributed to an intimidating and hostile work environment. We understand that Ms. Baumgart

was retained by the Legislature to examine those reports pursuant to Legislative Branch Personnel Rule 27, Harassment-Free Workplace ("Rule 27"). Ms. Baumgart issued an "Interim Finding & Recommendations" report on June 25, 2019, in which she concluded that your public statements constituted credible threats of violence directed at the Senate President and the Oregon State Police and thereby violated Rule 27. In light of Ms. Baumgart's interim report, you requested Ms. Knieling and Ms. Baumgart disclose the following 16 categories of records:

- 1. Copy of the formal complaint including name, persons involved in harassment, parties & witnesses, conduct or discrimination or harassment, date or time period, and potential remedy requested per Rule 27(6)(b).
- 2. Provide your best documentation clearing the Human Resource Director from any conflicts of interest since this State Senator over a month ago served notice to the HR Director of pending pay equity complaints against her with BOLI, and a pre-existing Rule 27 complaint is still standing involving her failures. Reference Rule 27(6)(a).
- 3. Provide documentation of what immediate action was taken to protect the alleged complainant per Rule 27(6)(d).
- 4. Provide the compete and entire list of members and employees who allegedly cooperated with the alleged investigation per Rule 27(6)(f).
- 5. Provide your notice you allegedly gave to this State Senator that you had received a formal complaint and were initiating an investigation against me per Rule 27(6)(g).
- 6. Provide a copy of the draft findings you allegedly provided to this State Senator per Rule 27(6)(i).
- 7. Provide a copy of the notice you allegedly gave to this State Senator outlining my right to review the draft investigation and request modifications prior to the final report per Rule 27(6)(j).
- 8. Provide a copy of the final findings you allegedly gave this State Senator, the so far unnamed complainant, and the appointing authority per Rule 27(6)(k).
- 9. Provide a copy of the notice provided to the highest-ranking caucus member per Rule 27(6)(c)(A) and Rule 27(6)(c)(A) [sic].<sup>3</sup>

The Legislature's authority to retain outside counsel comes from ORS 173.135, which gives the Legislative Counsel Committee authority to "retain any member of the Oregon State Bar, to appear in, commence, prosecute or defend any action, suit, matter, cause or proceeding in any court or agency of this state or of the United States."

<sup>&</sup>lt;sup>2</sup> See House Concurrent Resolution 11 (2019), adopted by the Senate on January 14, 2019 (amending Legislative Personnel Rule 27, Harassment-Free Workplace).

<sup>&</sup>lt;sup>3</sup> The Legislative Branch Personnel Rules in effect during the relevant timeframe did not include a Rule 27(6)(c)(A). We understand you intended to cite Rule 27(7)(c)(A).

- 10. Provide a copy of the presiding officer's notification to this State Senator per Rule 27(6)(c)(F) [sic].<sup>4</sup>
- 11. Provide a copy of the suspension of Senate Rule 6.40 related to Ms. Baumgart's one page narrative provide to me attached. Reference Senate Rule 6.40. Reference Senate Rule 1.01(12).
- 12. Ms. Baumgart's one page attachment alleges criminal threats, therefore, provide 100% of the communications in regard to this matter with the Oregon State Police and the Marion County District Attorney.
- 13. Two Oregon State Senators allege either you two, or those involved in the process in the Legislature, attempted, clearly for political reasons, to get a temporary restraining order against this State Senator, therefore, provide 100% of this documentation or deny in writing such documents exist or such action was attempted.
- 14. Provide the name of the individual who provided this to the media while you failed to notify this State Senator of anything.
- 15. Provide 100% of the documentation and communications with Dexter Johnson and Betsy Imholt related to this alleged complaint.
- 16. Again, this is a formal legal request for 100% of the correspondence, emails, documents, notes, electronic communications, and telephone records related to the attached alleged complaints.

We understand that Ms. Knieling forwarded your request to the Office of Legislative Counsel ("LC") for processing in accordance with the Legislature's established public records request procedures. Your petition explains that Cameron Miles, an LC Staff Attorney, responded to your request on July 23, 2019 by providing 204 pages of partially redacted records. In a cover letter accompanying the response, Mr. Miles stated that the redacted material and some additional records were exempt from disclosure under various public records exemptions, to include ORS 192.355(4) (information submitted in confidence) and 192.355(9) (information made confidential under state law, specifically, the lawyer-client privilege found in ORS 40.225).

You assert that almost none of the requested documents were disclosed to you; particularly the documentation that you believe should have been created under Rule 27(6). Your petition asks the Attorney General to order the disclosure of "100% of the public records in possession of anyone in the Oregon State Senate, or Legislative Branch" relating to the reports made against you. You also ask that the records be disclosed without any redactions.

The Legislative Branch Personnel Rules in effect during the relevant timeframe did not include a Rule 27(6)(c)(F). We understand you intended to reference Rule 27(7)(c)(F).

# b. Legislative Counsel's Position

In light of your petition, we contacted Mr. Miles. He explained LC's position that your July 1, 2019 request was limited to the records of Ms. Knieling and Ms. Baumgart. He also indicated that LC has not received a request from you for the records of any other members or employees of the Legislature, or for records in the custody of the Legislature generally. Accordingly, he argues that the scope of our review under ORS 192.411 should be limited to the material that was withheld from Ms. Knieling's and Ms. Baumgart's records. Regarding those records, Mr. Miles acknowledged that LC did not gather or review any public records in Ms. Baumgart's possession based on the assumption that all of her records would be exempt under the lawyer-client privilege. In light of your petition, however, LC has agreed to review the public records in Ms. Baumgart's custody and to disclose any nonexempt material to you.

Regarding Ms. Knieling's records, Mr. Miles explained that there were no records responsive to the first eight parts of your request. He noted that Rule 27 provides two means by which to report workplace harassment and intimidation, including informal reports under Rule 27(5) and formal complaints under Rule 27(6). He explained that all of the reports in this case were submitted informally and that the Legislature has not received any formal complaints against you. And since no formal complaints have been filed, he explained, there are no records responsive to those parts of your request seeking documents created under Rule 27(6). He also indicated that Ms. Knieling had no records responsive to parts 10 through 14 of your request. As to the ninth part of your request, Mr. Miles indicated that the responsive notice was disclosed to you without any redactions.

Mr. Miles explained that LC disclosed 204 pages of material responsive to the last two parts of your request, including 41 pages from which some information was redacted. In light of your petition, LC has agreed to provide you with unredacted versions of three of those pages. Mr. Miles indicated that the remaining redactions pertain to information that reveals the identities of individuals who submitted or forwarded informal reports of workplace harassment or intimidation under Rule 27(5). He explained LC's position that those reports were submitted in confidence and are therefore conditionally exempt in their entirety under ORS 192.355(4). Mr. Miles noted, however, that in applying ORS 192.355(4) to the informal reports in this instance, LC determined that the public interest would not suffer by the disclosure of the reports insofar as source-identifying information could be redacted.

According to Mr. Miles, LC also withheld another 105 records<sup>7</sup> that it believes are exempt from disclosure in their entirety. Those records include six informal reports that, LC asserts, were submitted in confidence under Rule 27(5) and from which there was no practicable

<sup>&</sup>lt;sup>5</sup> Mr. Miles informs us that Ms. Baumgart is unavailable until mid-September and that LC will not have access to any of the public records in her possession until that time.

<sup>&</sup>lt;sup>6</sup> The record reveals that in several instances, employees submitted their informal reports to their supervisors, who then forwarded the reports to Ms. Knieling for processing. In some instances, supervisors submitted informal reports themselves on behalf of their employees generally.

<sup>&</sup>lt;sup>7</sup> LC initially indicated that it withheld 118 records, but upon further review determined that 13 of those records, consisting of 41 pages, were system-generated duplicates.

way to redact source-identifying information. LC also withheld 99 records that it considered to be attorney-client privileged communications with Ms. Baumgart and attorneys in LC.

# c. Scope of Request

We find that LC's determination that your request was limited to Ms. Knieling and Ms. Baumgart's records was reasonable under the circumstances. In reaching this conclusion, we observe that your request was addressed specifically to Ms. Knieling and Ms. Baumgart and included multiple references to records that you believe they created or were in their possession. In contrast to your petition, we note that your original request did not seek records "in possession of anyone in the Oregon State Senate, or Legislative Branch" (emphasis added). We also observe that in a previous petition filed by you in this matter, you specified that your original request was directed "to employees not an elected official." See Public Records Order, Jul 12, 2019, Boquist. Under the circumstances, we cannot conclude that the scope of your request encompassed all records in the possession of anyone in the Senate or the Legislature. We therefore deny that aspect of your petition that asks us to order LC to disclose records beyond those requested from Ms. Knieling and Ms. Baumgart. You may, of course, submit a new request to LC for any additional records you may want.

# d. Information Submitted in Confidence

LC claims that certain material it redacted or withheld was submitted in confidence and is therefore conditionally exempt under ORS 192.355(4). That provision exempts from disclosure:

Information submitted to a public body in confidence and not otherwise required by law to be submitted, where such information should reasonably be considered confidential, the public body has obliged itself in good faith not to disclose the information, and when the public interest would suffer by the disclosure.

The purpose of this exemption is to encourage the voluntary submission of information to public bodies with some reasonable assurance that it will be kept confidential. See Attorney General's Public Records and Meetings Manual at 102 (2019) ("Manual"). For the exemption to apply, the following elements of ORS 192.355(4) must be satisfied:

- 1. The source must have submitted the information on the condition that it would be kept confidential;
- 2. The source must not have been required by law to provide the information;
- 3. The information itself must be of a nature that reasonably should be kept confidential;
- 4. The public body obliged itself in good faith not to disclose the information; and
- 5. The public interest would suffer by the disclosure.

In this case, Mr. Miles explained that none of the reporting parties were required by law to submit the informal reports. Next, he asserted that informal reports of harassment or intimidation should reasonably be considered confidential because Rule 27(5)(g) generally requires employees and members to keep information about such reports confidential. He also emphasized that Rule 27(7) provides that reporting parties may request their informal reports remain anonymous and that the name of a reporting party will not be disclosed to the alleged harasser without the reporting party's consent. See Rule 27(7)(b)-(c). Mr. Miles indicated that, because of concerns about retaliation, the reporting parties reasonably expected their reports would remain confidential in this case. He also represented that none of the reporting parties have consented to the disclosure of their names to you. Finally, Mr. Miles explained LC's position that by adopting Rule 27(5)(g), the Legislature generally obliged itself not to disclose information relating informal reports.

Under the circumstances, we have no problem concluding that the informal reports submitted in this instance satisfy the first four elements of ORS 192.355(4). Rule 27 reflects the Legislature's intent to afford some confidentiality to such reports. For example, one distinction between the informal reporting rules and the formal complaint rules is the lack of any anonymous reporting or confidentiality provisions in the latter. Indeed, this difference could explain, at least in part, why all of the reports in this matter were submitted informally.

Regarding the final element of ORS 192.355(4), Mr. Miles asserted that LC only withheld information from the informal reports to the extent it could be used to identify a reporting party. In some instances, LC was able to redact names but otherwise disclose the informal reports to you. In other cases, he explained, the entire report was withheld because there was no practicable way to redact source-identifying information. Mr. Miles argued that revealing the identity of the reporting parties would chill members and employees of the Legislature from reporting workplace harassment in the future. This, in turn, could harm the public interest because it could limit the Legislature's ability to detect and correct employment conditions that may threaten the well-being of its workforce. Mr. Miles also argued that the public interest in disclosing the identities of the reporting parties is nominal in this instance because each report stemmed from widely reported public statements made by you. Therefore, he claimed, disclosing the identities of the reporting parties would not assist the public in determining whether those statements were actually made or whether the informal reports were credible.

After reviewing the relevant materials, we conclude that LC has met its burden of sustaining the decision to withhold source-identifying information from the informal reports. This includes the six reports where there does not appear to be a practicable way to redact such information. We find that disclosing the identities of the reporting parties in this instance is likely to chill informal reporting in the future, thereby impairing the public's substantial interest in ensuring the Legislature maintains a harassment-free workplace. We also find LC's approach to be consistent with the conclusion of the Oregon Court of Appeals that the public interest will not suffer by the disclosure of information submitted in confidence if source-identifying information can be redacted. *Gray v. Salem-Keizer School Dist.*, 139 Or App 556, 565 (1996). And given the public nature of the statements that were reported in this instance, we are unable

FREDERICK M. BOSS

DEPUTY ATTORNEY GENERAL

ELLEN F. ROSENBLUM ATTORNEY GENERAL



# DEPARTMENT OF JUSTICE

Justice Building 1162 Court Street NE Salem, Oregon 97301-4096 Telephone: (503) 378-4400

July 12, 2019

VIA EMAIL ONLY: boquist@aol.com

Senator Brian Boquist 17080 Butler Hill Road Dallas, OR 97338

Re:

Petition for Public Records Disclosure Order

Oregon Legislative Assembly

DOJ File No.: 156001-GA0108-19

# Dear Senator Boquist:

This letter is the Attorney General's response to your petition for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition, which we received July 5, 2019, asks the Attorney General to order various offices of the Oregon Legislative Assembly ("Legislature") to disclose certain records. For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers the right to inspect public records in Oregon, unless such records are exempt under ORS 192.338, 192.345, or 192.355. ORS 192.314(1). The law is a disclosure law, and exemptions from disclosure must be express. Any person denied the right to inspect or to receive a copy of a public record of a state agency may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.411(1). The agency carries the burden to sustain its actions. ORS 192.411(1).

Your petition explains that on July 1, 2019, you submitted a 16-part public records request to Jessica Knieling, the Legislature's Human Resources Interim Director and Employee Services Manager. Cameron Miles, Staff Attorney in the Office of Legislative Counsel ("LC"), acknowledged your request on July 3, 2019, stating that "Legislative branch staff will search for the records and make an appropriate response as soon as practicable and without unreasonable delay." He also enclosed an initial response to your request prepared by Ms. Knieling, in which she indicated that there are no records responsive to most aspects of your request and explained why. Her initial response also explained that LC would be responsible for handling your overall



Filed 09/24/19

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Brian Boquist July 12, 2019 Page 2

request. We understand that you consider Ms. Knieling's response to be a denial of your records request.

We contacted Mr. Cameron regarding your petition. He explained that LC has primary responsibility for managing all public records requests to the Legislature. He indicated that LC is still processing your request and that it has not completed its response to you. He also explained LC's position that Ms. Knieling's initial response did not express any intent to withhold records from you or to otherwise deny any aspect of your request.

On the record before us, we cannot conclude that the Legislature has denied your request. We find that Ms. Knieling's initial response did not expressly deny your request or otherwise reveal any intention to withhold records from you. And because it appears LC has not completed its response to you, we respectfully deny your petition as premature. See ORS 192.411 (in general, the Attorney General may order disclosure only when a records request has been denied).

Sincerely,

Frederick M. Boss

Deputy Attorney General

FMB:pin/DM9717183

c via email only: Cameron Miles, Office of Legislative Counsel

to conclude that the public interest would be meaningfully advanced by disclosing the identities of the reporting parties to you. We therefore deny that aspect of your petition relating to the material LC withheld under ORS 192.355(4).

#### Lawyer-Client Privilege e.

We now consider the records that LC claims are exempt under the lawyer-client privilege. ORS 192.355(9)(a) expressly exempts from disclosure "[p]ublic records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under Oregon law." The lawyer-client privilege provides that "[a] client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client." ORS 40.225(2). Accordingly, ORS 192.355(9)(a) permits public bodies to withhold public records that are protected by the lawyer-client privilege. See, e.g., Port of Portland v. Ore. Center for Environ. Health, 238 Or App 404, 409 (2011) (ORS 192.355(9)(a), then codified at ORS 192.502(9)(a), encompasses lawyer-client privilege); Klamath County School Dist. v. Teamey, 207 Or App 250, 259 (2006) (same).

The Oregon Supreme Court has held that application of the lawyer-client privilege is contingent upon three findings. See State ex rel. OHSU v. Haas, 325 Or 492, 501 (1997). First, the communication must be "confidential" within the meaning of ORS 40.225(1)(b) (a communication "not intended to be disclosed to third persons" other than to those necessary to facilitate the rendition of professional legal services). Second, the communication must have been made for the purpose of facilitating the rendition of professional legal services. A communication is made for the purpose of facilitating the rendition of legal services "if it makes it easier for an entity to make use of legal advice or services." Port of Portland, 238 Or App at 411 (citing OHSU, 325 Or at 502). And third, the communication must have been between the parties described in one of the paragraphs of ORS 40.225(2)(a)-(e). Id. If all three elements are satisfied, the lawyer-client privilege applies. Teamey, 207 Or App at 261-62. If an entire communication is deemed confidential, a public body is not required to separate exempt from nonexempt material under ORS 192.338. See Port of Portland, 238 Or App at 413.

We have reviewed the records LC identified as lawyer-client privileged communications and find that they qualify for the privilege. Approximately half of those records are communications between Ms. Knieling and Ms. Baumgart and they relate directly to the legal services for which Ms. Baumgart was retained. Most of the remaining records encompass communications between Ms. Knieling and LC and clearly relate to the provision of legal services traditionally performed by LC. A handful of records are internal communications between Ms. Knieling and key members of the professional staff that reference legal services or advice provided by Ms. Baumgart and LC. Finally, Mr. Miles informed us that Ms. Knieling considers all of these communications to be confidential. Under the circumstances, we find that the communications were intended to be confidential, were made to facilitate the rendition of legal services, and were made among parties described in ORS 40.225(2)(a)-(e). We therefore conclude that LC was permitted to withhold those records from disclosure as lawyer-client privileged communications.

Case 6:19-cv-01163-MC Document 6-4 Filed 09/24/19 Page 11 of 85

Brian Boquist September 3, 2019 Page 8

# f. Conclusion

To the extent your petition relates to material that LC has now agreed to provide to you, we deny your petition as moot. We also deny that aspect of your petition asking us to order LC to disclose records beyond the scope of your original request. For the reasons discussed above, we conclude that LC was permitted to withhold source-identifying information from the informal reports that were submitted in confidence. We also conclude that the remaining records withheld by LC come under the lawyer-client privilege and are thereby expressly exempt from disclosure under ORS 192.355(9)(a). We therefore respectfully deny your petition.

Sincerely,

Frederick M. Boss

Deputy Attorney General

FMB:pjn/DM9807681

c via email only: Cameron Miles, Office of Legislative Counsel

Dexter A. Johnson

LEGISLATIVE COUNSEL

Document 6-4

Filed 09/24/19

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900 COURT ST NE S101 SALEM, OREGON 97301-4065 (503) 986-1243 FAX: (503) 373-1043 www.oregonlegislature.gov/lc



# STATE OF OREGON LEGISLATIVE COUNSEL COMMITTEE

July 23, 2019

Senator Brian Boquist 900 Court Street NE S311 Salem OR 97301

Re: Public Records Request LC 8000

Dear Senator Boquist:

We have enclosed a copy of all public records responsive to your request and for which an exemption from disclosure is not claimed. Certain records within the scope of your request are exempt from disclosure under ORS 173.230, 192.355 (1), 192.355 (2), 192.355 (4), 192.355 (9) through ORS 40.225 and 192.355 (40). You may seek review of the public body's determination that records or information is exempt from public disclosure pursuant to ORS 192.401, 192.407, 192.411, 192.415, 192.418, 192.422, 192.427 and 192.431.

All fees associated with this request have been waived.

Very truly yours,

DEXTER A. JOHNSON Legislative Counsel

By

Cameron D. Miles Staff Attorney

Sent: Monday, September 9, 2019 9:44 AM

**To:** - Chief Clerk's Office; - Counsel; - Employee Services; - Facility Services; - Financial

Services; - Governor's Office; - House Democratic Office; - House Republican Office; - House Speaker's Office; - Indian Services; - Information Services; - LAC Admin; -

Legislative Fiscal; - Legislative Policy and Research Office; - Legislative Revenue; - Media Services; - Members House Staff; - Members Senate Staff; - Secretary of Senate's Office;

- Secretary of State's Office; - Senate Democratic Office; - Senate Floor Staff; - Senate

President's Office; - Senate Republican Office; - State Capitol Police; - State

Representatives; - State Senators; - State Treasurer's Office; - Visitor Services; Sanders

Derek

Subject: Notification

Senator Boquist has indicated that he may be in the Capitol at various times beginning September 10<sup>th</sup> through the week of September Legislative Days.

**Sent:** Monday, August 26, 2019 1:46 PM

**To:**- Chief Clerk's Office; - Counsel; - Employee Services; - Facility Services; - Financial Services; - Governor's Office; - House Democratic Office; - House Republican Office; -

House Speaker's Office; - Indian Services; - Information Services; - LAC Admin; -

Legislative Fiscal; - Legislative Policy and Research Office; - Legislative Revenue; - Media Services; - Members House Staff; - Members Senate Staff; - Secretary of Senate's Office;

- Secretary of State's Office; - Senate Democratic Office; - Senate Floor Staff; - Senate

President's Office; - Senate Republican Office; - State Capitol Police; - State

Representatives; - State Senators; - State Treasurer's Office; - Visitor Services; Sanders

Derek

Subject: Notification

Senator Boquist will be in the Capitol tomorrow, August 27th.

**Sent:** Tuesday, August 20, 2019 12:02 PM

To: - Chief Clerk's Office; - Counsel; - Employee Services; - Facility Services; - Financial

Services; - Governor's Office; - House Democratic Office; - House Republican Office; -

House Speaker's Office; - Indian Services; - Information Services; - LAC Admin; -

Legislative Fiscal; - Legislative Policy and Research Office; - Legislative Revenue; - Media Services; - Members House Staff; - Members Senate Staff; - Secretary of Senate's Office; - Secretary of State's Office; - Senate Democratic Office; - Senate Floor Staff; - Senate

President's Office; - Senate Republican Office; - State Capitol Police; - State

Representatives; - State Senators; - State Treasurer's Office; - Visitor Services; Sanders

Derek

Subject: Notification

Senator Boquist may be at the Capitol on Wednesday, August 21st.

Sent: Wednesday, July 24, 2019 3:00 PM

To: - Chief Clerk's Office; - Counsel; - Employee Services; - Facility Services; - Financial

Services; - Governor's Office; - House Democratic Office; - House Republican Office; - House Speaker's Office; - Indian Services; - Information Services; - LAC Admin; -

Legislative Fiscal; - Legislative Policy and Research Office; - Legislative Revenue; - Media Services; - Members House Staff; - Members Senate Staff; - Secretary of Senate's Office; - Secretary of State's Office; - Senate Democratic Office; - Senate Floor Staff; - Senate

President's Office; - Senate Republican Office; - State Capitol Police; - State

Representatives; - State Senators; - State Treasurer's Office; - Visitor Services; Sanders

Derek

**Subject:** Senator Boguist

Senator Boquist has indicated that he will be at the Capitol on Saturday - July 27, 2019.

**Sent:** Tuesday, July 23, 2019 10:40 AM

To: - Legislative Policy and Research Office; - Legislative Revenue; - Members House Staff; -

Members Senate Staff; - Secretary of Senate's Office; - Secretary of State's Office; - Senate Democratic Office; - Senate President's Office; - Senate Republican Office; - State

Capitol Police; - State Representatives; - State Senators; - State Treasurer's Office; -

**Visitor Services** 

**Subject:** FW: Senator Boquist

From: Brocker Lori L

Sent: Tuesday, July 23, 2019 9:54 AM

To: Senate Conduct Committee <Senate.ConductCommittee@oregonlegislature.gov>

**Subject:** Senator Boquist

Senator Boquist has indicated he plans to be in the Capitol this afternoon – July 23, 2019.

August 20, 2019	Senate Conduct	Capital Building:				
August 20, 2019	Committee	- Capital	Chief Clerk's Office	7		
	Committee	_	Counsel	53		
		_	Employee Services	9		
		_	Facility Services	25		
		-	Financial Services	3		
		-	Governor's Office	4		
		-	House Democratic Office	6		
		-	House Republican Office	10		
		-	House Speaker's Office	7		
		-	Indian Services	3		
		-	Information Services	30		
		-	LAC Admin	7		
		-	Legislative Fiscal	25		
		-	Legislative Policy and	22		
			Research Office	33		
		-	Legislative Revenue Media Services	7		
,		-	Members House staff	112		
		_	Members Senate Staff	70		
		_	Secretary of Senate's	70		
			Office	6		
		_	Secretary of State's Office	3		
		-	Senate Democratic Office	8		
		-	Senate Floor Staff	0		
·		-	Senate President's Office	9		
		-	Senate Republican Office	7		
		-	State Capitol Police	21		
		-	State Representatives	61		
		-	State Senators	31		
		-	State Treasurer's Office	2		
		-	Visitor Services	9		
		-	Sanders Derek	1 .		
		Total:		574		
		Total.		374		

August 26, 2019	Senate Conduct	Capital Building:	
August 20, 2019	Committee	- Chief Clerk's Office	7
	Committee	- Counsel	53
		- Employee Services	9
		- Facility Services	25
		- Financial Services	3
		- Governor's Office	4
		<ul> <li>House Democratic Office</li> </ul>	6
		- House Republican Office	10
		<ul> <li>House Speaker's Office</li> </ul>	7
		- Indian Services	3
		- Information Services	30
		- LAC Admin	7
		- Legislative Fiscal	25
		- Legislative Policy and	22
		Research Office	33
		<ul><li>Legislative Revenue</li><li>Media Services</li></ul>	5
		- Media Services - Members House staff	112
		- Members Senate Staff	70
		- Secretary of Senate's	,,,
		Office	6
		- Secretary of State's Office	3
		- Senate Democratic Office	8
		- Senate Floor Staff	0
		<ul> <li>Senate President's Office</li> </ul>	9
		<ul> <li>Senate Republican Office</li> </ul>	7
		- State Capitol Police	21
		- State Representatives	61
		- State Senators	31
		- State Treasurer's Office	2
		<ul><li>Visitor Services</li><li>Sanders Derek</li></ul>	9.
		- Sanders Derek	1
		Total:	574
		Total.	3/4

Contombor 0 2010	Sonata Conduct	Canital	Ruilding:	
September 9, 2019	Senate Conduct Committee	Capitoi	Building: : Chief Clerks Office	7
	Committee	_	Counsel	52
			Employee Services	9
		- -	Facility Services	25
	×	_	Financial Services	3
			Governor's Office	4
		_	House Democratic office	6
		_	House Republican Office	10
		_	House Speaker's Office	7
		_	Indian Services	3
		_	Information Services	30
		_	LAC Admin	7
		_	Legislative Fiscal	25
		_	Legislative Policy and	
			Research Office	33
		-	Legislative Revenue	7
	,	-	Media Services	5
		-	Members House Staff	112
,		-	Members Senate Staff	70
		_	Secretary Senate Office	6
		-	Secretary of State's Office	3
		-	Senate Democratic Office	8
		-	Senate Floor Staff	1
		-	Senate President's Office	9
		-	Senate Republican Office	7
		-	State Capitol Police	21
		-	State Representatives	61
		-	State Senators	31
		-	State Treasurer's Office	2
		-	Visitor Services	9
		-	Derek Sanders	1
		Total:		574
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Property 12 125

----Original Message----

From:

To: Boguist coquist@ao! ^^m>

Сс

Sent: Fri, Sep 13, 2019 10:51 am

Subject: Re: June July Media Coverage

This is what came up with a quick google search. I will send over PR's next:

- Benda Baumgart
  - June 29, Corvallis Gazette Times
  - June 30, <u>KATU</u>
  - July 5, Reuters
  - July 8, <u>OPB</u>
  - July 8, Pamplin Media
  - July 8, Fox 12
  - July 9, Herald & News
  - July 10, Oregonian

Jessica Knieling

- June 29, Corvallis Gazette Times
- August 1, KTVZ

Dexter Johnson

June 29, <u>Corvallis Gazette Times</u>

Sen Courtney

- June 30, <u>KATU</u>
- June 30, KGW
- July 1, <u>OPB</u>
- July 8, <u>OPB</u>
- July 8, Pamplin Media
- July 8, Fox 12
- July 8, Willamette Week

Sen Prozanski

- June 29, OPB
- July 8, <u>OPB</u>
- July 8, Pamplin Media
- July 8, <u>Fox 12</u>
- July 9, <u>Herald & News</u>

Sen Manning

- July 8, <u>OPB</u>
- July 8, Pamplin Media
- July 8, Fox 12
- July 9, <u>Herald & News</u>

Sen Fagan

- June 29, Salem Reporter
- June 30, Mail Tribune
- July 1, <u>OPB</u>
- July 1, KGW

### Sen Gelser

- June 29, OPB
- June 29, <u>Salem Reporter</u>
- June 30, KATU
- June 30, <u>KGW</u>
- June 30, Mail Tribune
- June 30, Willamette Week
- July 1, <u>OPB</u>
- July 1, KGW
- July 8, Willamette Week

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# Oregon Sen. Brian Boquist Must Give Notice Before Entering ...

https://www.opb.org > brian-boquist-oregon-capitol-notice-police-remarks • Jul 8, 2019 - In a June 25 memo, Baumgart made an interim finding that Boquist's comments violated the Legislature's rules against workplace harassment, ...

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# Oregon senator who threatened state police must give notice ...

https://www.oregonlive.com > news > 2019/07 > oregon-senator-who-thre... Jul 8, 2019 - Tim Knopp, R-Bend, said he shares an office wall with Boquist and does not feel threatened by him. Since Baumgart did not interview Boquist, ...

### Attorney suggests Boquist not be allowed in Oregon Capitol ...

https://www.gazettetimes.com > news > attorney-suggests-boquist-not-be-allo... Jun 29, 2019 - According to Baumgart's letter, Boquist's comments caused several "members and branch employees" to report fear for themselves and others ...

# Capital Chatter: Boquist decision leaves all unsatisfied ...

https://www.dailyastorian.com > opinion > columns > capital-chatter-boquist-... Jul 23, 2019 - In a June 25 memo to legislative management about the incidents, Baumgart wrote: "Senator Boquist's statements are public and irrefutable.

### Police presence increased in presence of Oregon senator ...

komonews.com > news > local > oregon-senate-panel-may-temporarily-ba... ▼ Jul 8, 2019 - Brian Boquist reads a statement on Monday, July 8, 2019, to the Senate ... Brenda Baumgart, an outside attorney for the Senate, testified that ...

### Oregon Sen. Boguist must give notice when going to Capitol ...

https://www.kptv.com > news > oregon-sen-boquist-must-give-notice-when-... Jul 8, 2019 - Brian Boquist appeared before the Senate Committee on Conduct on ... to the legislative council, Baumgart recommended keeping Boquist out ...

#### Senator Brian Boguist Dallas sues Senate President Peter ...

https://www.statesmanjournal.com > peter-courtney-oregon-senate-lawsuit Jul 26, 2019 - Boquist claims his constitutional rights were violated when an ... and Brenda Baumgart, a contract investigator for the Oregon State Senate.

### Sen. Boguist must follow Senate conditions to be in Capitol

https://www.statesmanjournal.com > story > news > 2019/07/08 > sen-boquis... Jul 8, 2019 - Brian Boquist, R-Dallas, could enter the Capitol,\u00a0stemming from ... Portland attorney Brenda Baumgart, who wrote the June 25 memo and ...

### Legislators reject legal advice, allow Boquist to work in the ...

https://www.bluemountaineagle.com > capital\_bureau > legislators-reject-leg... Jul 8, 2019 - Attorney Brenda Baumgart of Stoel Rives, hired by the Legislature to handle workplace complaints, concluded in a recent report that Boquist's ...

#### Oregon senator who made threats reprimanded - Columbian ...

https://www.columbian.com > news > jul > hearing-for-lawmaker-who-ma... > Jul 8, 2019 - Brian Boquist reads a statement on Monday, July 8, 2019, to the Senate ... Brenda Baumgart, an outside attorney for the Senate, testified that ...

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# Emails show Oregon lawmaker Boquist's threats triggered fear ...

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https://www.kgw.com > article > news > emails-show-oregon-lawmaker-bo... Aug 1, 2019 - Brian Boquist told KGW's Pat Dooris that if Oregon State Troopers were sent ... One email, sent on June 20, described to Jessica Knieling, the ...

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# Attorney suggests Boquist not be allowed in Oregon Capitol ...

https://democratherald.com > news > attorney-suggests-boquist-not-be-allow... Jun 29, 2019 - Brian Boquist from the Capitol over his threatening language, but Boquist ... and Jessica Knieling, interim legislative human resources director.

# IPDFI Untitled - Courthouse News

https://www.courthousenews.com > 2019/07 > BoquistOregon-COMPLAINT > Jul 5, 2019 - Plaintiff Brian Boquist brings this petition under ORS 182.427 and ORS ... to Dexter Johnson, Legislative Counsel, Jessica Knieling, Employee.

# Images for boquist+knieling









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### APNewsBreak: Oregon lawmaker's threats triggered fear ...

https://www.chicagotribune.com > sns-bc-us-oregon-capitol-threats-20190... • Aug 1, 2019 - The threats by Boquist, a military veteran, deeply disturbed some people, the ... One email, sent on June 20, described to Jessica Knieling, the ...

### Boquist v. Courtney, 6:19-cv-01163 - CourtListener.com

https://www.courtlistener.com > docket > boquist-v-courtney \* Jul 26, 2019 - Docket for Boquist v. ... Boquist v. ... on 8/23/2019 Filed by Jessica Knieling; James Manning; Floyd Prozanski; Peter Courtney; Dexter Johnson.

### Oregon Senator Brian Boquist files lawsuit against Senate ...

https://wlna-webservice.gannettdigital.com > articleservice > view > iphone ▼ Jul 26, 2019 - Brian Boquist, R-Dailas, filed a federal lawsuit Friday against Senate ... Dexter Johnson; interim human resources director Jessica Knieling; and ...

# [PDF] Formal Complaint Records Request - Oregon Legislative ...

https://olis.leg.state.or.us > liz > Downloads > CommitteeMeetingDocument ▼ Jul 1, 2019 - From: Sen Boquist ... Ms. Knieling, Ms. Baumgart, and Mr. Johnson are obligated to follow the law. ... Knieling@oregonlegislature.gov>.

### Boquist v. Courtney et al 6:2019cv01163 | US District Court for ...

https://dockets.justia.com > ... > Ninth Circuit > Oregon > District Court ▼ Jul 26, 2019 - Filed by Brian J. Boquist against All Defendants (Attachments: #1 Attachment, ... Search for this case: Boquist v. ... Defendant: Jessica Knieling.

# Rae Sewell | Phone, Address, Email and More (1 Record Found)

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# Oregon Sen. Brian Boquist Faces Conduct Complaint After ...

https://www.opb.org > news > article > brian-boquist-oregon-senator-threat... •

Jun 29, 2019 - Sen. Floyd Prozanski, D-Eugene, confirmed that a formal complaint has been filed against Boquist, who generated international attention for ...

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### Senator Brian Boquist files civil suit against senate president ...

katu.com > news > local > senator-brian-boquist-files-civil-suit-against-sen... ▼

Jul 8, 2019 - Oregon Republican Sen. Brian Boquist has filed a lawsuit against Senate President

Peter Courtney over the release of public records. According to the lawsuit, which was filed

Friday, Boquist is accusing Courtney and his office of hiding, denying, and blocking the release of public ...

# Boquist not banned from Senate ... - Pamplin Media Group

https://pamplinmedia.com > fgnt > 432661-341753-boquist-not-banned-fr... ▼
Jul 2, 2019 - Boquist not banned from Senate despite legal opinion, Local News, Forest ... Floyd
Prozanski has said the committee will review the complaint ...

# Oregon Sen. Brian Boquist faces complaint for threatening ...

https://www.statesmanjournal.com > story > news > 2019/06/29 > oregon-sen...
Jun 29, 2019 - Brian Boquist, R-Dallas,\u00a0who drew criticism for threatening state police ...
Floyd Prozanski, D-Eugene, who chairs the Senate Special ...

### Oregon senator who threatened state police must give notice ...

https://www.oregonlive.com > news > 2019/07 > oregon-senator-who-thre... ▼
Jul 8, 2019 - Prozanski pointed out it would have been difficult for Baumgart to interview Boquist, given that the senator joined other Republicans in fleeing ...

### Oregon state senator who threatened police faces complaint ...

https://www.kgw.com > article > news > oregon-state-senator-who-threaten... ▼
Jun 29, 2019 - Boquist had said Oregon State Police should "send bachelors and come ... Floyd Prozanski, who chairs the Senate Special Committee on ...

### Legislators reject legal advice, allow Boquist to work in the ...

https://www.bluemountaineagle.com > capital\_bureau > legislators-reject-leg...
Jul 8, 2019 - Brian Boquist will be required to give the Senate 12-hour notice ... Prozanski said that Boquist has been back in the building several times since ...

# Oregon Sen. Boquist must give notice when going to Capitol ...

https://www.kptv.com > news > oregon-sen-boquist-must-give-notice-when-...

Jul 8, 2019 - Brian Boquist appeared before the Senate Committee on Conduct on ... Democratic
Senators James Manning and Floyd **Prozanski** went on ...

### Boquist sues Courtney over imposing 12-hour notice to enter ...

https://www.eastoregonian.com > news > state > boquist-sues-courtney-over-i...

Jul 30, 2019 - Boquist is suing two of the members of the committee — Senate Democrats

James Manning and Floyd Prozanski — but not the Republican ...

### Complaint filed against senator who threatened state police ...

https://www.koin.com > uncategorized > complaint-filed-against-senator-w... ▼
Jun 29, 2019 - Boquist did not appear on the Senate floor Saturday morning ... Floyd Prozanski is the chairman of the Senate Special Committee on Conduct.

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# Boguist's federal lawsuit blasts ... - Pamplin Media Group

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https://pamplinmedia.com > wbi > 152-news > 435426-345635-boquists-fe... ▼ Aug 7, 2019 - Boquist's federal lawsuit blasts Courtney for discipline after threats ... Senate Democrats James Manning and Floyd Prozanski -- but not the ...

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# Oregon senator who threatened state police must give notice ...

https://www.oregonlive.com > news > 2019/07 > oregon-senator-who-thre... ▼ Jul 8, 2019 - James Manning Jr., D-Eugene, proposed asking Boquist to voluntarily stay away while investigators complete their work but the three other ...

# Oregon Sen. Brian Boquist Must Give Notice Before Entering ...

https://www.opb.org > brian-boquist-oregon-capitol-notice-police-remarks -Jul 8, 2019 - Sen. Brian Boquist, R-Dallas, waits to enter the floor of the Senate on the ... Manning suggested that the committee agree that Boquist's threats ...

### Senator Brian Boquist Dallas sues Senate President Peter ...

https://www.statesmanjournal.com > peter-courtney-oregon-senate-lawsuit Jul 26, 2019 - Boquist claims his constitutional rights were violated when an Oregon ... James Manning, also a committee member; legislative counsel Dexter ...

# Legislators reject legal advice, allow Boquist to work in the ...

https://www.bluemountaineagle.com > capital\_bureau > legislators-reject-leg... Jul 8, 2019 - Tim Knopp, R-Bend; and Sen. James Manning, D-Eugene. The unusual hearing comes on the heels of two statements Boquist made June 19.

### Police staffing increased in presence of Oregon senator - KTVZ

https://www.ktyz.com > news > oregon-senate-panel-may-temporarily-ban-... ▼ Jul 8, 2019 - Brian Boquist, R-Dallas, speaks at Monday Senate hearing (Photo: KGW) ... James Manning, a Democratic committee member and one of only ...

# Oregon Sen. Brian Boquist Could Be Banned From Capitol ...

https://www.huffpost.com > entry > oregon-sen-brian-boquist-could-be-ba... • Jul 8, 2019 - Brian Boquist's threats against state police and the Senate president created ... James Manning, a committee member and Democrat from the ...

# Oregon Sen. Boquist must give notice when going to Capitol ...

https://www.kptv.com > news > oregon-sen-boguist-must-give-notice-when.... Jul 8, 2019 - Brian Boquist appeared before the Senate Committee on Conduct on ... Democratic Senators James Manning and Floyd Prozanski went on ...

### Oregon Republican Party chairman says caller 'threatened to ...

https://ktvl.com > news > local > oregon-republican-party-chairman-says-c... ▼ Jun 25, 2019 - "I didn't go out front because I was advised not to," Manning said. ... Brian Boquist threatening lawmakers and Oregon State Police troopers.

### Oregon senator who made threats reprimanded - Columbian ...

https://www.columbian.com > news > jul > hearing-for-lawmaker-who-ma... > Jul 8, 2019 - Brian Boquist reads a statement on Monday, July 8, 2019, to the ... James Manning, a Democratic committee member and one of only two ...

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Boquist's federal lawsuit blasts Courtney for discipline after ... https://pamplinmedia.com > 9-news > 434700-345067-boquists-federal-la... • Jul 30, 2019 - Boquist's federal lawsuit blasts Courtney for discipline after threats, Local News, Portland local News, Breaking News alerts for Portland city.

### Senator Brian Boquist Dallas sues Senate President Peter ...

https://www.statesmaniournal.com > peter-courtney-oregon-senate-lawsuit Jul 26, 2019 - Oregon Sen. Brian Boquist, R-Dallas, filed a federal lawsuit Friday against Senate President Peter Courtney, D-Salem, and others, alleging ...

### Oregon Sen. Brian Boquist Faces Conduct Complaint After ...

https://www.opb.org > news > article > brian-boquist-oregon-senator-threat... • Jun 29, 2019 - In another, Boquist told Senate President Peter Courtney on the Senate floor, "If you send the state police to get me, hell's coming to visit you ...

### Oregon Republican senator sues Democrats in federal court ...

https://www.oregonlive.com > news > 2019/07 > oregon-republican-senato... ▼ Jul 26, 2019 - Brian Boquist, R-Dallas, is suing Oregon Senate President Peter Courtney, D-Salem, and other legislative officials over fines imposed by ...

### Sen. Boquist now under fire for threats | Mail Tribune

mailtribune.com > oregon-senator-a-war-veteran-now-under-fire-for-threats > Jul 5, 2019 - Brian Boquist, a veteran who served in Iraq, warned Senate President Peter Courtney that if he sent the State Police to force him to return ...

### Capital Chatter: Boguist decision leaves all unsatisfied ...

https://www.dailyastorian.com > opinion > columns > capital-chatter-boquist-... Jul 23, 2019 - Boquist's comments to Senate President Peter Courtney, D-Salem, occurred during the morning floor debate about Senate Bill 761, which limits ...

### Senator Brian Boguist files civil suit against senate president ...

https://ktvl.com > news > local > senator-brian-boquist-files-civil-suit-again... ▼ Jul 8, 2019 - SALEM, Ore. - Oregon Republican Sen. Brian Boquist has filed a lawsuit against Senate President Peter Courtney over the release of public ...

### How Peter Courtney Lost Control of the Oregon Senate ...

https://www.wweek.com > news > state > 2019/06/26 > how-peter-courtne... ▼ Jun 26, 2019 - Brian Boquist (R-Dallas) implied on the Senate floor last week that he ... During the summer of 2018, Boquist turned hostile toward Courtney ...

### Sen. Brian Boquist Must Give 12 Hours' Notice Before ...

https://www.wweek.com > news > state > 2019/07/08 > sen-brian-boquist-... ▼ Jul 8, 2019 - Brian Boquist (R-Dallas) must provide 12 hours' written notice before ... Related: How Peter Courtney lost control of the Oregon Senate.

### Oregon Sen. Brian Boquist Could Be Banned From Capitol ...

https://www.huffpost.com > entry > oregon-sen-brian-boquist-could-be-ba... • Jul 8, 2019 - Boquist said in the hearing that he has filed a lawsuit against Courtney, but he gave no details. He said he wanted to see the matter attended to ...

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Jul 31, 2019 - Sen. Brian Boquist, R-Dallas, waits to enter the floor of the Senate on ... In addition, the lawsuit names Dexter Johnson, the Legislature's legal ...

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### Boquist reprimanded for secretly distributing documents to ...

https://www.eastoregonian.com > news > northwest > boquist-reprimanded-f...

Dec 17, 2018 - Johnson wrote Boquist that some senators and their employees considered the anonymous delivery "coupled with the demonstrated insider ...

### Conduct committee to investigate Boquist threats - Portland ...

https://pamplinmedia.com > 117-hillsboro-tribune-news > 432545-341856... 

Jul 1, 2019 - Conduct committee to investigate **Boquist** threats, Local News, ... of Portland-based Stoel Rives and was addressed to Dexter Johnson, the ...

### Senator Brian Boguist Dallas sues Senate President Peter ...

https://www.statesmanjournal.com > peter-courtney-oregon-senate-lawsuit Jul 26, 2019 - Boquist claims his constitutional rights were violated when an ... Dexter Johnson; interim human resources director Jessica Knieling; and ...

### Oregon Sen. Brian Boquist Could Be Banned From Capitol ...

https://www.huffpost.com > entry > oregon-sen-brian-boquist-could-be-ba... ▼
Jul 8, 2019 - Brian Boquist's threats against state police and the Senate president ... Boquist, a
Republican from Dallas, warned on June 19 that if the State .... Boris Johnson's Brother Quits
Parliament And Everyone Cracks The Same Gag.

### Brian Boquist - Wikipedia

https://en.wikipedia.org > wiki > Brian\_Boquist ▼
Brian James Boquist (born October 20, 1958) is a Republican politician from Oregon. He currently serves in the Oregon Senate representing District 12.

Political party: Republican Born: October 20, 1958 (age 60); Tillamook, Or...

### Brian Boquist told to stop slipping anonymous packets under ...

https://newsgrowl.com → Intrigue ▼

Dec 17, 2018 - On Friday Senator **Boquist** publicly released a copy of a December 5th letter from Oregon Legislature Counsel Dexter **Johnson**, officially ...

# Brian Boquist - Ballotpedia

https://ballotpedia.org > Brian\_Boquist >

At the beginning of the 2015 legislative session, **Boquist** served on the ..... In a legal opinion issued in February, Legislative Counsel Dexter Johnson said that ...

### State Sen. Brian Boquist sues legislative leaders over tax law ...

https://www.bizjournals.com > portland > news > 2018/06/20 > oregon-stat... >
Jun 20, 2018 - Brian Boquist claims the law is "null and void on four grounds under the ... Oregon
Legislative Counsel Dexter Johnson in February said the bill ...

### State Senators - Washington County

https://www.co.washington.or.us > Elections > ElectedOfficials > state-senat... ▼
Senator Brian Boquist. Party: Republican ... Website: http://www.oregonlegislature.gov/boquist.
Term Expires: ... Senator Betsy Johnson. Party: Democrat

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# Democrats demand action on Republican who threatened police

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### Oregon State Senator's Comments Over State Police Continue ...

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Jun 30, 2019 - Sen. Brian Boquist, R-Dallas, waits to enter the floor of the Senate on the ...
Democratic senators Sara Gelser, D-Corvalis, and Shemia Fagan, ...

# Oregon Democrats demand action on Republican who ...

https://www.columbian.com > news > jun > oregon-democrats-demand-acti... • Jun 30, 2019 - Brian Boquist, who drew criticism after saying state police should "send ... Boquist denied offers to cast votes off the floor, according to Fagan.

# Senator Shemia Fagan Home Page - Oregon State Legislature

https://www.oregonlegislature.gov > fagan ▼
Senator Shemia Fagan. Democrat - District 24 - Portland. Capitol Phone: 503-986-1724. Capitol Address: 900 Court St. NE, S-409, Salem, Oregon 97301
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# Oregon: Dems want action on Republican who threatened ...

https://www.kolotv.com > content > news > Oregon-Dems-want-action-on-... 

Jun 30, 2019 - Shemia Fagan said Sunday that some Democrats are demanding Republican Sen.

Brian Boquist not be allowed to return to the floor. Boquist ...

### Democrats Demand Action on Republican Who Threatened ...

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Jun 30, 2019 - Brian Boquist, who drew criticism after saying state police should "send ...
Boquist denied offers to cast votes off the floor, according to Fagan.

### Oregon Legislature finally adjourns but not without political ...

https://www.statesmanjournal.com > story > news > 2019/06/30 > oregon-leg...
Jun 30, 2019 - Fagan said there was a group of Democratic senators, led by Sen. Sara Gelser, D-Corvallis, who did not want Boquist on the floor. She also ...

#### Brian Boguist - Wikipedia

https://en.wikipedia.org > wiki > Brian\_Boquist ▼

Brian James Boquist (born October 20, 1958) is a Republican politician from Oregon. He currently serves in the Oregon Senate representing District 12.

Political party: Republican Born: October 20, 1958 (age 60); Tillamook, Or...

### Oregon Democrats demand investigation into Republican ...

https://www.independent.co.uk > News > World > Americas ▼
Jul 1, 2019 - ... to kill an Oregon state trooper," said senator Shemia Fagan, a Democrat. ... "
Nothing thinly veiled," senator Boquist wrote in an email to an ...

### Senate sees highs, lows and a lot of bills as it comes down the ...

https://www.malheurenterprise.com > posts > senate-sees-highs-lows-and-a-... ▼
Jun 30, 2019 - Brian Boquist, a Dallas Republican, He was ultimately excused ... Shemia Fagan, D-Portland, said she agreed with Gelser. She went into the ...

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Sen. Gelser: Boquist kept from floor after being deemed threat ... https://www.kgw.com > article > news > politics > sen-gelser-boquist-kept-f... >
Jun 29, 2019 - In a statement, Senator Gelser said she did not think it was appropriate that Böguist be on the floor due to earlier comments.

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# Democrats demand action on Republican who threatened police

mailtribune.com > news > happening-now > democrats-demand-action-on-... ▼
Jun 30, 2019 - Brian Boquist waits with his wife,Peggy Boquist, to walk onto the Senate ... Sara Gelser, a Democrat from Corvallis, began the charge against ...

### Brian Boquist - Wikipedia

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Brian James Boquist (born October 20, 1958) is a Republican politician from Oregon. He currently serves in the Oregon Senate representing District 12.

Political party: Republican Born: October 20, 1958 (age 60); Tillamook, Or... Early life and career · Political career

### Sen. Brian Boquist Must Give 12 Hours' Notice Before ...

https://www.wweek.com > news > state > 2019/07/08 > sen-brian-boquist-... ▼

Jul 8, 2019 - Brian Boquist (R-Dallas) must provide 12 hours' written notice before ... Sara Gelser (D-Corvallis), the deciding vote, wouldn't stay in the ...

### Oregon State Senator's Comments Over State Police Continue ...

https://www.opb.org > news > article > lawmakers-comments-about-state-p... ▼
Jun 30, 2019 - Sen. Brian Boquist, R-Dallas, waits to enter the floor of the Senate on the ...
Democratic senators Sara Gelser, D-Corvalis, and Shemia Fagan, ...

### Boquist not banned from Senate ... - Pamplin Media Group

https://pamplinmedia.com > fgnt > 432661-341753-boquist-not-banned-fr... ▼
Jul 2, 2019 - Sara Gelser, D-Corvallis, asked Courtney and Baertschiger, the Republican leader, to keep Boquist from returning to the floor in light of the ...

### 'We've received threats,' says wife of Republican Senator ...

https://www.kptv.com > news > we-ve-received-threats-says-wife-of-republic...

Jun 27, 2019 - In response to the Governor's orders, Senator Boquist publicly stated if ... Gelser, who represents Oregon Senate District eight, says both parties ...

### Democrats Demand Action on Republican Who Threatened ...

https://www.courthousenews.com > democrats-demand-action-on-republic... > Jun 30, 2019 - Sara Gelser, a Democrat from Corvallis, began the charge against Boquist on Saturday, saying that she would not appear in the chamber with ...

# Democrats demand action on Republican who threatened police

https://democratherald.com > news > local > democrats-demand-action-on-re...

Jun 30, 2019 - Sara Gelser, a Democrat from Corvallis, began the charge against Boquist on Saturday, saying that she would not appear in the chamber with ...

### Oregon senator who threatened state police must give notice ...

https://www.oregonlive.com > news > 2019/07 > oregon-senator-who-thre... > Jul 8, 2019 - Brian Boquist must provide 12 hours advance notice before he returns ... Sara Gelser, D-Corvallis, to walk out until Republicans agreed to have ...

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# Courtney, Boquist spar over claims of hostility, disrespect ...

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https://www.eastoregonian.com > news > northwest > courtney-boquist-spar-... Dec 12, 2018 - 15, according to records obtained by the news bureau, Boquist wrote to Courtney's staff chief, referring to her as "President Imholt" and terming ...

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### GOP State Senator Wants Oregon Senate to Censure Peter ...

https://www.wweek.com > news > 2019/02/26 > gop-state-senator-wants-or... • Feb 26, 2019 - As Brian Boquist, a former Courtney ally, seeks Courtney's ouster, Senate ... Boquist requested information from Imholt and didn't like the ...

# PDFI Memo of concern - Oregon Legislative Information System

https://olis.leg.state.or.us > liz > Downloads > FloorLetter ▼ Dec 11, 2018 - Senator Brian J. Boquist. From ... Senator Brian Boquist .... purely related to the OSP Capitol Unit, is did Peter Courtney, Betsy Imholt, or another.

# IPDFI Untitled - Courthouse News

https://www.courthousenews.com > 2019/07 > BoguistOregon-COMPLAINT ▼ Jul 5, 2019 - Plaintiff Brian Boquist brings this petition under ORS 182.427 and ORS ... the Legislative Counsel, and Betsy Imholt of the Office of the Senate ...

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### Pay equity analyses shake up Oregon's government ...

https://www.oregonlive.com > politics > 2018/09 > pay\_equity\_analyses\_s... ▼ Sep 28, 2018 - said Sen. Brian Boquist, R-Dallas. ... "BOLI has been very late to the game," said Betsy Imholt, chief of staff in the Senate President's office.

### Oregon legislators take oath as harassment report casts ...

https://www.oregonlive.com > politics > 2019/01 > fellow-democrat-refuse... ▼ Jan 14, 2019 - Brian Boquist of Dallas and Herman Baertschiger of Grants Pass in ... Courtney's chief of staff Betsy Imholt told The Oregonian/OregonLive that ...

#### Friendly fire for Oregon Senate's leader: 'Gross misuse of power';

www.bendbulletin.com → localstate → friendly-fire-for-oregon-senates-lead... ▼ Jan 14, 2019 - Two Republican senators, Brian Boquist of Dallas and Herman Baertschiger of Grants Pass, also voted no. In nominating Courtney on Monday, ...

# Oregon: Deschutes County Republicans - مجموعة عامة - فيسبوك

https://ar-ar.facebook.com > groups > oregon-deschutes-county-republicans-... Excerpt; "That same day, Imholt asked Boquist by email to be more respectful while Courtney issued his cease-and-desist demand." Apparently snowflakeisum ...

### Brian boquist - USPosts

https://www.usposts.net > tag > brian-boquist >

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# Boquist's wife reveals death threats ... - Pamplin Media Group

https://pamplinmedia.com > 117-hillsboro-tribune-news > 433278-342964... ▼
Jul 14, 2019 - Boquist's wife reveals death threats, files legislative complaint, Local ... Anna
Braun, Courtney's chief of staff, said Wednesday that Courtney ...

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# Democrats demand action on Republican who threatened po ...

https://accesswdun.com > article >

Jun 30, 2019 - An Oregon state trooper stands guard as Oregon State Republican Sen. Brian Boquist waits with his wife,Peggy Boquist, to walk onto the ...

# Oregon state senator who threatened police faces complaint ...

https://www.thetcanada.com > News \*

Brian Boquist, who drew criticism for threatening state police amid a GOP walkout ... Brian Boquist came under fire this month after saying Oregon State Police ... Previous articleBRAUN: Fentanyl crisis prompts manslaughter charges – News.

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# [PDF] 2019 Senate Committee Appointments - Oregon State ...

https://www.oregonlegislature.gov > secretary-of-senate > Appointments ▼
Dec 19, 2018 - Brian Boquist. Sen. ... Brian Boquist. Sen. ... If you have any questions, please contact Anna Braun in my office at (503) 986-1602. cc: Secretary ...

### 2018 Senate Committee Appointments

https://www.oregonlegislature.gov > secretary-of-senate > Appointments

Jan 4, 2018 - Brian Boquist, Vice Chair. Sen. ... Brian Boquist, Chair ... If you have any questions,
please contact Anna Braun in my office at (503) 986-1602.

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Jun 5, 2019 - Anna Braun, Legislative Director, Office of the Senate President · 00:08:08 · Sen.

Boquist ... Brian Boquist. Sen. Michael Dembrow. Sen.

### Judiciary Senate 2009 Regular Session - Oregon Legislative ...

https://olis.leg.state.or.us > liz > Committees > SJUD > Overview Vice-Chair, Senator Brian Boquist. Member, Senator Suzanne Bonamici. Member ... Counsel, Anna Braun, 503-986-1600. Counsel, Lisa Nuss, 503-986-1667.

### Democrats demand action on Republican who threatened police

https://www.fresnobee.com > news > national-politics > article232124732

Jun 30, 2019 - Brian Boquist waits with his wife,Peggy Boquist, to walk onto the Senate floor Sunday, ... Boquist drew criticism for saying police should "come heavily armed" if they tried .... Taylor Swift pens scathing post about Scooter Braun ...

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Senate Republican Leader Herman Baertschiger Jr., R-Grants Pass, and encouraged him to ask Boquist to ...

### Oregon Sen. Brian Boquist Must Give Notice Before Entering ...

www.opb.org/news/article/brian-boquist-oregon...

Baumgart said that Boquist's statement to Courtney could also make employees who sit near him feel unsafe, alongside staff who enter the chambers, and other senators.

### Sen. Boquist must follow Senate conditions to be in Capitol

www.statesmanjournal.com/story/news/2019/07/08/...

A Senate committee has placed conditions that Sen. Brian Boquist, R-Dallas, must abide by if he enters the Capitol building, stemming from threats he made more than two weeks ago against the ...

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### Oregon senator who threatened state police must give notice ...

www.oregonlive.com/news/2019/07/oregon-senator..

Since Baumgart did not interview Boquist, Knopp said it is impossible to know what the senator's frame of mind was when he made the statements against Courtney and the state police.

#### Capital Chatter: Boquist decision leaves all unsatisfied ...

www.dailyastorian.com/opinion/columns/capital...

Baumgart did not interview Boquist. She said she based her conclusions on viewing the June 19 statements, adding that there had been other concerns about his behavior.

### Police staffing increased in presence of Oregon senator - KTVZ

www.ktvz.com/news/oregon-senate-panel-may...

Boquist, a Republican from Dallas, warned on June 19 that if the Oregon State Police were sent to force him to return during a walkout by GOP senators that they should "send bachelors and come ...

#### Oregon Sen. Boguist must give notice when going to Capitol ...

www.kptv.com/news/oregon-sen-boquist-must-give...

Boquist also told Senate President Peter Courtney that "you send the state police to get me, hell's coming to visit you personally." ... Baumgart recommended keeping Boquist out of the Capital ...

#### Sen. Boquist returns to Capitol after controversial comments ...

www.bluemountaineagle.com/capital\_bureau/sen...

According to Baumgart's letter, Boquist's comments caused several "members and branch employees" to report fear for themselves and others working in the Capitol. She said it was customary to not allow someone who threatens violence into the work place until the employer can ensure that employees are safe.

### Brian Boquist, Oregon Republican, must give notice before ...

www.washingtontimes.com/news/2019/jul/8/brian.

Boquist, a Republican from Dallas, warned on June 19 that if the Oregon State Police were sent to force him to return during a walkout by GOP senators that they should "send bachelors and come ...

### More police to be present for Boquist | Local News ...

www.heraldandnews.com/news/local\_news/more...

Baumgart said she based her conclusions about Boquist's conduct on his statements, not how Boquist meant them or how they were received. A reasonable person, she said, could fear going to work ...

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Emails show Oregon lawmaker Boquist's threats triggered fear www.kgw.com/article/news/emails-show-oregon...

The threats by Boquist, a military veteran, deeply disturbed some people, the emails show.

#### Boquist Knieling

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boquist-knieling.feedsrss.com

Boquist Knieling Emails show Oregon lawmaker Boquist's threats triggered fear Boquist is suing legislative officials and Courtney, saying he is being punished for engaging in free speech.

# APNewsBreak: Oregon lawmaker's threats triggered fear

apnews.com/bfaeb3c9fad741c2b941ffe90b94f49a

Video

Boquist is suing legislative officials and Courtney, saying he is being punished for engaging in free speech. He had previously said state police had no authority to apprehend senators. On June 20, another person told Knieling that "a staff member was visibly distressed as a result of the comments by Sen Boquist" and was feeling unsafe at the Capitol.

### Attorney suggests Boquist not be allowed in Oregon Capitol ...

www.gazettetimes.com/news/attorney-suggests...

Legislative leaders were advised this week to ban Sen. Brian Boquist from the Capitol over his threatening language, but Boquist remains able to return to work. ... and Jessica Knieling, interim ...

### Sen. Boquist returns to Capitol after controversial comments ...

www.bluemountaineagle.com/capital\_bureau/sen...

On June 21, Courtney called Senate Republican Leader Herman Baertschiger, R-Grants Pass, and encouraged him to ask Boquist to voluntarily stay away from the Capitol. The lawyer's advice came in the following days on Thursday, Johnson, Knieling, and Courtney's staff met with Sen. Floyd Prozanski, D-Eugene, to discuss attorney's recommendation.

### APNewsBreak: Oregon lawmaker's threats triggered fear

news.yahoo.com/apnewsbreak-oregon-lawmakers...

Boquist is suing legislative officials and Courtney, saying he is being punished for engaging in free speech. He had previously said state police had no authority to apprehend senators. On June 20, another person told Knieling that "a staff member was visibly distressed as a result of the comments by Sen Boquist" and was feeling unsafe at the Capitol.

#### Emails detail Oregon Capitol staff concern over Brian Boquist ...

www.statesmanjournal.com/story/news/politics/...

Emails detail Oregon Capitol staff concern over Republican Sen. Brian Boquist's threats. Sen. Brian Boquist warned that if the state police were sent to force him to return during the walkout by ...

# Oregon lawmaker's threats triggered fear - News - The ...

www.registerguard.com/news/20190802/oregon...

Boquist did not respond to a request for comment on the release of the emails. Boquist is suing legislative officials and Courtney, saying he is being punished for engaging in free speech.

# Oregon lawmaker's threats triggered fear, emails show - KTVZ

www.ktvz.com/news/oregon-lawmaker-s-threats...

On June 20, another person told Knieling that "a staff member was visibly distressed as a result of the comments by Sen Boquist" and was feeling unsafe at the Capitol.

### Worries over Capitol safety prompt advice to keep Republican ...

www.eastoregonian.com/news/state/worries-over...

SALEM — Legislative leaders were advised this week to ban Sen. Brian Boquist from the Capitol over his threatening language, ... and Jessica Knieling, interim legislative human resources ...

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information about an official complaint or investigation, despite the requirement under state ...

Oregon Sen. Boquist must give notice when going to Capitol ...

www.kptv.com/news/oregon-sen-boquist-must-give...

The hearing was packed with many of **Boquist's** supporters who feel his statements were not threatening. Democratic Senators James Manning and Floyd **Prozanski** went on record saying they felt the ...

More police to be present for Boquist | Local News ...

www.heraldandnews.com/news/local\_news/more..

Prozanski said that Boquist has been back in the building several times since the comments were made without incident. "I believe the workplace is OK for the employees to be in," he said.

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Oregon senator who threatened state police must give notice ...

www.oregonlive.com/news/2019/07/oregon-senator...

Prozanski pointed out it would have been difficult for Baumgart to interview Boquist, given that the senator joined other Republicans in fleeing the state to avoid state police jurisdiction.

Oregon Sen. Brian Boquist Must Give Notice Before Entering ...

www.opb.org/news/article/brian-boquist-oregon...

Baumgart said that Boquist's statement to Courtney could also make employees who sit near him feel unsafe, alongside staff who enter the chambers, and other senators.

Oregon Sen. Brian Boquist faces complaint for threatening ...

www.statesmanjournal.com/story/news/2019/06/29/...

A formal complaint has been filed against Sen. Brian Boquist, R-Dallas, who drew criticism for threatening state police amid a GOP walkout over climate legislation, the chairman of the state's ...

Oregon state senator who threatened police faces complaint

news.yahoo.com/complaint-filed-against-senator...

A formal complaint has been filed against Oregon Republican state Sen, Brian Boquist, who drew criticism for threatening state police amid a GOP walkout over climate legislation, the chairman of the state's conduct committee said Saturday.

Oregon Sen. Brian Boquist Faces Conduct Complaint After ...

www.opb.org/news/article/brian-boquist-oregon...

Prozanski, who chairs the Senate Special Committee on Conduct that takes up such matters, would not discuss the substance of the complaint or who had filed it on Saturday.

Brian Boquist, Republican Oregon state senator, faces formal ...

www.washingtontimes.com/news/2019/jun/30/brian...

A formal complaint has been filed against Oregon Republican state Sen. Brian Boquist, who drew criticism for threatening state police amid a GOP walkout over climate legislation.

A Response To Brian Boguist - Oregon Firearms Federation

www.oregonfirearms.org/response-brian-boquist

Here Boquist takes a page from Floyd Prozanski's playbook. The clear implication is that somehow the many warnings OFF sent out about this bill were simply 'fundraisers." It's interesting that Boquist suggests that people who contacted him opposing the bill were doing so only because OFF and FPC advised them to do so.

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Manning: This is not a conclusion about Sen. Boquist

www.youtube.com/watch?v=Xf5\_2vIqh-0

Video

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The Senate Special Committee on Conduct met for two hours to discuss whether Sen. Brian Boquist, R-Dallas, posed a workplace threat because of statements he made on June 19 and, due to

Oregon Senator Who Threatened State Police Sues Legislative ...

www.opb.org/news/article/oregon-senator-brian...

Boquist's lawsuit names Courtney and two other Democrats who sit on the conduct committee, Sens. Floyd Prozanski and James Manning, both Democrats from Eugene.

Brian Boquist - Wikipedia

en.wikipedia.org/wiki/Brian\_Boquist

Brian James Boquist (born October 20, 1958) is a Republican politician from Oregon. He currently serves in the Oregon Senate representing District 12. He currently serves in the Oregon Senate representing District 12.

Sen. Boguist must follow Senate conditions to be in Capitol

www.statesmanjournal.com/story/news/2019/07/08/...
A Senate committee has placed conditions that Sen. Brian Boquist, R-Dallas, must abide by if he enters the Capitol building, stemming from threats he made more than two weeks ago against the ...

Senate Chamber Convenes 06/19/2019 11:00 AM - Jun 19th, 2019

oregon.granicus.com/MediaPlayer.php?clip\_id=27225

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Legislators reject legal advice, allow Boquist to work in the ...

www.bluemountaineagle.com/capital\_bureau/...

Manning said the statements, both videotaped, are clear. "There is no other interpretation of that, no matter how hard we try to gaslight it," he said. Boquist gave a brief statement to the committee but walked away after Prozanski asked if he would take questions. Boquist alleged the committee hadn't followed due process.

Senator Brian Boquist Dallas sues Senate President Peter Courtney

www.statesmanjournal.com/story/news/politics/...

Oregon Sen. Brian Boquist, R-Dallas, filed a federal lawsuit Friday against Senate President Peter Courtney, D-Salem, and others, alleging they conspired to block his "free and unfettered access ...

Legislators reject legal advice, allow Boguist to work in the ...

www.gazettetimes.com/news/local/legislators..

Sen. Brian Boquist will be required to give the Senate 12-hour notice before coming into the Capitol, and more police will be present when here's there. ... Manning also made that point, saying ...

Oregon Sen. Brian Boquist Must Give Notice Before Entering ...

www.opb.org/news/article/brian-boquist-oregon...

An Oregon senator who made threatening comments about state police and another lawmaker must give 12 hours' written notice before entering the Capitol in the near future, a Senate committee ..

More police to be present for Boquist | Local News ...

www.heraldandnews.com/news/local\_news/more..

State Sen, Brian Boquist will have to alert officials before he arrives to work in the Capitol so additional state troopers can be put on duty ... R-Bend and Sen. James Manning, D-Eugene.

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#### Boguist sues Courtney over imposing 12-hour notice to enter ... www.eastoregonian.com/news/state/boquist-sues...

Boquist and Courtney were once cordial, if not outright friendly. When Courtney was secondguessing another year at the Senate's helm in 2018, it was Boquist who convinced him to stay on as

#### Boquist sues Courtney over imposing 12-hour notice to enter ...

www.bluemountaineagle.com/capital\_bureau/boquist...

Sen, Brian Boquist, R-Dallas, is taking his fight against the Legislature to federal court. Boquist sued Senate President Peter Courlney, two other senators and several legislative staff members in U.S. District Court in Portland on Friday.

#### Senator Brian Boquist Dallas sues Senate President Peter Courtney

www.statesmanjournal.com/story/news/politics/...
Oregon Sen. Brian Boquist, R-Dallas, filed a federal lawsuit Friday against Senate President Peter Courtney, D-Salem, and others, alleging they conspired to block his "free and unfettered access ...

#### Courtney, Boquist spar over claims of hostility, disrespect ...

www.eastoregonian.com/news/northwest/courtney...

Courtney made the demand to state Sen. Brian Boquist, R-Dallas, in a Nov. 15 letter obtained by the Oregon Capital Bureau that cited "hostile, intimidating and harassing" communications.

#### Courtney, Boquist spar over claims of hostility, disrespect ...

www.bluemountaineagle.com/capital\_bureau/...

Courtney made the demand to state Sen. Brian Boquist, R-Dallas, in a Nov. 15 letter obtained by the Oregon Capital Bureau that cited "hostile, intimidating and harassing" communications. Boquist denied the accusation and responded to Courtney this week in an email asking the Senate leader to

#### Boquist files federal suit against Oregon Dems | KOIN.com

www.koin.com/news/politics/boquist-files-federal..

Alleging Oregon Democrats violated his constitutional rights, Republican State Senator Brian Boquist filed a federal lawsuit against Senate President Peter Courtney and other leaders.

#### Boquist+courtney - Video Results



Sen, Boquist and

Senate Pres.

Conduct Committee meeting on Monday



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Boquist: Legislature must address youtube.com

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#### Senator Brian Boquist files civil suit against senate ...

katu.com/news/local/senator-brian-boquist-files...

SALEM, Ore. - Oregon Republican Sen. Brian Boquist has filed a lawsuit against Senate President Peter Courtney over the release of public records. According to the lawsuit, which was filed ...

#### Oregon Sen. Brian Boquist Must Give Notice Before Entering ...

www.opb.org/news/article/brian-boquist-oregon...

Baumgart said that Boquist's statement to Courtney could also make employees who sit near him feel unsafe, alongside staff who enter the chambers, and other senators.

#### Emails show Oregon lawmaker Boquist's threats triggered fear

www.kgw.com/article/news/emails-show-oregon...

Boquist did not respond to a request for comment on the release of the emails. Boquist is suing legislative officials and Courtney, saying he is being punished for engaging in free speech.

#### More police to be present for Boguist | Local News ...

www.heraldandnews.com/news/local\_news/more...

In comments on the Senate floor in June, Boquist, who maintains state police can't come on to his property to arrest him without a warrant, laid into Senate President Peter Courtney, D-Salem.

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the vast majority of my Session time will involve work with various committees and speaking with constituents. The work during this 180 day session is primarily focused on the biennial budget, establishing new policy for agency directio,...

Enrolled House Bill 4005 - olis.leg.state.or.us

olis.leg.state.or.us/fiz/2018R1/Downloads/.

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(8) A manufacturer may be subject to a civil penalty, as provided in section 3 of this 2018 Act, for: (a) Failing to submit timely reports or notices as required by this section;

Boquist reprimanded for secretly distributing documents to ...

www.eastoregonian.com/news/northwest/boquist...

The version Boquist made public redacted that name, though Johnson noted that Boquist used a home address that the individual "has taken steps to shield from being publicly known.

Attorney suggests Boquist not be allowed in Oregon Capitol ...

www.gazettetimes.com/news/attorney-suggests...

Legislative leaders were advised this week to ban Sen. Brian Boquist from the Capitol over his threatening language, ... Johnson, Knieling. and Courtney's staff met with Sen. Floyd Prozanski, D ...

Vicky Leggett Boquist Johnson | Facebook

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Brian Boquist - Wikipedia

en.wikipedia.org/wiki/Brian\_Boquist

Bnan James Boquist (born October 20, 1958) is a Republican politician from Oregon. He currently serves in the Oregon Senate representing District 12. He currently serves in the Oregon Senate representing District 12.

Sen. Boquist returns to Capitol after controversial comments ...

www.bluemountaineagle.com/capital\_bureau/sen...

A private Portland attorney advising the Legislature outlined concerns about Boquist, a Republican from Dallas, in a two-page memo obtained by Salem Reporter. The memo, dated Tuesday, was produced by attorney Brenda Baumgart of Portland-based Stoel Rives and was addressed to Dexter Johnson, the legislative counsel, and Jessica Knieling, interim legislative human resources director.

Legislative lawyer warns Boquist over conduct | Capital ...

www.bluemountaineagle.com/capital\_bureau/...

Boquist's conduct recently drew a written warning from the Legislature's top in-house lawyer, Dexter Johnson. 'I strongly urge you to be mindful your actions and the appearance of your actions so that concerns about workplace harassment are not raised again," Johnson, the legislative counsel, wrote in a "memo of concern" dated Dec. 5.

Senate SenatorsAll - Oregon State Legislature

www.oregonlegislature.gov/senate/Pages/Senators...

Oregon State Senate Listed below are all current Oregon State Senators. Also listed are their Capitol phone numbers, and email. office and website addresses. Oregon State Senators

Brian Boquist told to stop slipping anonymous packets under ...

riewsgrowl.com/brian-boquist-anonymous-packets

Boquist said he was delivering a "reminder" to his colleagues with his anonymous packages. According to the email he sent to Oregon State Police commissioner Travis Hampton, these consisted of "biographical data, online data, and quotes of a candidate who is a Senator Elect."

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#### Brian Boquist

American politician



Brian James Boquist is a Republican politician from Oregon. He currently serves in the Oregon Senate recreasing district 12.

Previously, he was in the Oregon House of Representatives, representing District 23 in the mid Willemett 14 lley 2019 en. wikipedia.org September 14, 2019

Born: October 20, 1958 (age 60), Tillamook, Oregon

Spouse: Peggy

Party Affiliation: Republican Party (United States)

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Sen. Gelser: Boquist kept from floor after being deemed ...

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www.kgw.com/article/news/politics/sen-gelser...

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Boquist is known to carry a firearm in the Capitol. This is legal and according to Sen, Gelser did not factor into why she found it inappropriate that he be on the floor. She said in a statement:

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WATCH: Senate passes several bills before 2019 Legislative ...

katu.com/news/local/watch-senators-return-to-the...

Gelser returned to the floor in the afternoon, while Boquist was excused. Senators voted for a second time on HB 2001 and it passed. Gelser voted in favor of the bill.

2019 Oregon legislative session ends, probe into Republican ...

www.kptv.com/news/oregon-legislative-session...

Boquist was back on the floor Sunday for the first time since the walkout, prompting Sen. Sara Gelser to get permission to be excused from the chamber, citing safety concerns regarding the  $\dots$ 

Oregon State Senator's Comments Over State Police Continue To ...

www.opb.org/news/article/lawmakers-comments...

Fagan told reporters Sunday that she and Gelser had once again called on leaders to keep Boquist from the floor, "If we can't keep a guy who threatened to kill the police off the floor, what ...

Democrats demand action on Republican who threatened police ...

katu.com/news/politics/democrats-demand-action...

Boquist was in the building Saturday, but voluntarily remained off the floor, according to Fagan. Boquist was present Sunday and Gelser was absent from the floor. Boquist denied offers to cast ...

'We've received threats,' says wife of Republican Senator ...

www.kptv.com/news/we-ve-received-threats-says...

According to a spokesperson, the Boquist family received a letter from an unidentified person, who stated a "potential act of violence" toward the senator.

Oregon Legislature: Diesel engine, cage-free hen, driver's ...

www.capitalpress.com/state/oregon/oregon...

Boquist more than a week ago made statements alluding to violence against police, and an outside investigator hired by the Legislature found his presence in the workplace could be seen as

Democrats demand action on Republican who threatened police

news.yahoo.com/democrats-demand-action...

Sen. Sara Gelser, a Democrat from Corvallis, began the charge against Boquist on Saturday, saying that she would not appear in the chamber with him present. Gelser was absent Sunday morning, but she appeared later in the afternoon after Boquist left the building.

Oregon Democrats demand action on Republican senator who ...

www.kgw.com/article/news/oregon-democrats-demand...

Boquist was able to appear on the Senate floor Sunday morning to vote on some of the remaining policy bills before the Senate, Oregon Democrats demand action on Republican senator who threatened ...

Oregon Legislative session concludes in tense final day ...

www.eastoregonian.com/news/state/oregon..

Sen. Brian Boquist, R-Dallas, waits to enter the floor of the Senate on the last day of the legislative session, ... Sen. Sara Gelser, D-Corvalis, who has raised the strongest objections to ...

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Boquist was in the building Saturday, but voluntarily remained off the floor, according to Fagan. Boquist was present Sunday and Gelser was absent from the floor, Boquist denied offers to cast ...

Democrats in Oregon demand action on Republican who ...

www.inquirer.com/news/nation-world/democrats-in...

Boquist was in the building Saturday, but voluntarily remained off the floor, according to Fagan. Boquist was present Sunday and Gelser was absent from the floor. Boquist denied offers to cast votes off the floor, according to Fagan.

Democrats demand action on Republican who threatened police

apnews.com/564277856fe24538838a640256a04b6f

An Oregon state trooper stands guard as Oregon State Republican Sen, Brian Boquist waits with his wife, Peggy Boquist, to walk onto the Senate floor Sunday, June 30, 2019 in Salem, Ore. Sen. Democratic Sen. Shemia Fagan said Sunday that some Democrats are demanding Republican Sen. Brian Boquist not be allowed to return to the floor.

Oregon Democrats demand action on Republican senator who ...

www.kgw.com/article/news/oregon-democrats-demand...

Boquist was able to appear on the Senate floor Sunday morning to vote on some of the remaining policy bills before the Senate. Oregon Democrats demand action on Republican senator who threatened ...

Brian Boquist - Wikipedia

en wikipedia.org/wiki/Brian\_Boquist Brian James Boquist (born October 20, 1958) is a Republican politician from Oregon. He currently serves in the Oregon Senate representing District 12. Previously, he was in the Oregon House of Representatives, representing District 23 in the mid-Willamette Valley from 2005 to 2009.

Democrats demand action on Republican who threatened police ...

www.koin.com/news/national/democrats-demand.

An Oregon state trooper stands guard as Oregon State Republican Sen. Brian Boquist waits with his wife, Peggy Boquist, to walk onto the Senate floor Sunday. June 30, 2019 in Salem, Ore, Sen ...

Oregon Legislature finally adjourns but not without political ...

www.statesmanjournal.com/story/news/2019/06/30/..

When the chamber met at 10 a.m., Sen. Brian Boquist, R-Dallas, joined the body. It was his first day on the floor since he threatened Senate President Peter Courtney, D-Salem, and Oregon State .

Oregon State Senator's Comments Over State Police Continue To ...

www.opb.org/news/article/lawmakers-comments...

Fagan said there was discussion among Democrats of convening the conduct committee on Sunday. The committee has been expected to take up a formal complaint against Boquist in coming weeks.

Democrats demand action on Republican who threatened police

news.yahoo.com/democrats-demand-action...

A formal complaint had been filed against Boquist, which will be heard at a special committee meeting in July, according to Fagan. Boquist said via email Saturday that he was unaware of the formal complaint until seeing news reports of the situation.

KXAN.com

www.kxan.com/news/national-news/democrats-demand...

An Oregon state trooper stands guard as Oregon State Republican Sen. Brian Boquist waits with his wife, Peggy Boquist, to walk onto the Senate floor Sunday, June 30, 2019 in Salem, Ore. Sen ...

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**September 14, 2019** 

Search on

Courtney, Boquist spar over claims of hostility, disrespect ...

www.bluemountaineagle.com/capital\_bureau/...

On Nov. 15, according to records obtained by the news bureau, Boquist wrole to Courlney's staff chief, referring to her as "President Imholt" and terming her answers 'nothing more than political blather." That same day, Imholt asked Boquist by email to be more respectful while Courtney issued his cease-and-desist demand.

Courtney, Boquist spar over claims of hostility, disrespect ...

www.eastoregonian.com/news/northwest/courtney...

That same day, Imholt asked Boquist by email to be more respectful while Courtney issued his cease-and-desist demand. Boquist has represented the mid-Willamette Valley in the Senate since

GOP State Senator Wants Oregon Senate to Censure Peter ...

www.wweek.com/news/2019/02/26/gop-state-senator...

Boquist requested information from Imholt and didn't like the responses he received. His communication grew forceful. In a statement, Burdick says Boquist is now retaliating against Courtney for ...

**Questions Boquist** 

questions-boquist,feedsrss.com

Oregon Sen. Brian Boquist Must Give Notice Before Entering Capitol, Committee Finds Peppered with questions from lawmakers — many of them from the committee's two Republicans — Baumgart made clear that her investigation is in its early stages.

Oregon legislators take oath as harassment report casts ...

www.oregonlive.com/politics/2019/01/fellow...
Oregon Sen. Shemia Fagan, D-Portland, is sworn in Monday, Jan. 14, 2019, at the Capitol. The Portland attorney was the only Democrat to vote against Sen. Peter Courtney for Senate president.

OREGON LEGISLATIVE ADMINISTRATION COMMITTEE

olis.leg.state.or.us/liz/2019I1/Downloads/,.

pg. 2 I. INTRODUCTION The Oregon Legislative Administration Committee ("LAC") retained the law firm of Jackson Lewis P.C. ("Investigator") to investigate a complaint asserted by employee Mazen

Oregon government worker pay equity analysis underway

www.statesmanjournal.com/story/news/politics/...

said Sen. Brian Boquist, R-Dallas. Legislative employee sues over pay These analyses come as an employee in the Legislative Policy and Research Office is alleging Equal Pay Act violations.

Pay equity analyses shake up Oregon's government - oregonlive.com

www.oregonlive.com/politics/2018/09/pay\_equity...

"Changes in the 2017 law expanded coverage of the Equal Pay Act, but the Equal Pay Act, as it related to gender, was a law already on the books for the state of Oregon and a federal law." Collins ...

Pay equity analyses shake up state government - News - The ...

www.registerguard.com/news/20181001/pay-equity...

SALEM — Pay equity analyses in all three branches of state government have exposed instances of unequal pay for similar work and created growing confusion among legislative staff and members ...

MEMORANDUM - oregonlegislature.gov

www.oregonlegislature.gov/secretary-of-senate...

Senator Brian Boquist Senator Mark Hass If you have any questions, please contact Betsy Imholt in the President's office at (503) 986-1600, cc: Secretary of the Senate's Office Speaker's Office Capitol

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boquist+braun

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Case 6:19-cv-01163-MC

#### Tom Lehrer - Wikipedia

en.wikipedia.org/wiki/Tom\_Lehrer Early life. Tom Lehrer was born in 1928 to a secular Jewish family and grew up in Manhattan's Upper East Side. He began studying classical piano at the age of seven, but was more interested in the popular music of the age.

#### MEMORANDUM - Oregon State Legislature

www.oregonlegislature.gov/secretary-of-senate.. Sen. Brian Boquist . ... If you have any questions, please contact Anna Braun in my office at (503) 986-1602, cc: Secretary of the Senate's Office .

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#### Dave Boquist - YouTube

www.youtube.com/watch?v=utBi8jcymVc Electric Wilburland Studio warming it up! This feature is not available right now, Please try again later.

#### MEMORANDUM - oregonlegislature.gov

www.oregonlegislature.gov/secretary-of-senate...

Discharge: Senator Brian Boquist Senator Ginny Burdick Appoint: Senator Kim Thatcher Senator Lew Frederick If you have any questions, please contact Anna Braun in my office at (503) 986-1602. cc: Secretary of the Senate's Office Chief Clerk's Office Capitol Club

#### 5/4/2009 3:37:00 PM This summary has not been adopted or ...

olis.leg.state.or.us/liz/2009R1/Downloads/...

5/4/2009 3:37:00 PM This summary has not been adopted or officially endorsed by action of the committee. Committee Services Form - 2009 Regular Session

#### 943 Best Education images in 2019 | Educational technology ...

www.pinterest.com/boquistm/education

Too many icebreakers require students to take massive social risks with people they barely know. Or they don't really help students get to know each other. Or they are just plain

#### Oregon senators flee state to prevent vote on climate change ...

www.dailyrnail.co.uk/news/article-7172827/Oregon...
One of the senators, Brian Boquist, has already made it clear that he will not go easily, saying that he would take down any officer that came for him By Chris Spargo For Dailymail.com and Reuters

#### GMS: Earth's Water Cycle - Scientific visualization

svs.gsfc.nasa.gov/11054

Water is the fundamental ingredient for life on Earth. Looking at our Earth from space, with its vast and deep ocean, it appears as though there is an abundance of water for our use. However, only a small portion of Earth's water is accessible for our needs. How much fresh water exists and where it is

#### Statesman Journal

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www.statesmanjournal.com

Statesman Journal.com is the home page of Salem, Oregon, with in-depth and updated local news, sports, things to do, travel and opinions. Stay informed with Willamette Valley news.

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**Knieling Jessica** 

From: James Manning <manningstl@gmail.com>

**Sent:** Thursday, May 30, 2019 9:45 AM

To: Knieling Jessica

Subject: Tweet from Jeff Manning (@JeffmanningOre)

Jeff Manning (@JeffmanningOre) tweeted at 8:17 AM on Wed, May 29, 2019:

Sen. Jeff Manning. It's got a nice ring to it. Not sure how Sen. James Manning @manningstl would feel about it.

https://t.co/H0F6pQHsPp

(https://twitter.com/JeffmanningOre/status/1133754335085486082?s=03)

Get the official Twitter app at <a href="https://twitter.com/download?s=13">https://twitter.com/download?s=13</a>

#### Formal Complaint

To whom it may concern,

I wish to file this formal complaint against Jonathon A. Lockwood, a staffer to Senators Dennis Linthicum and Kim Thatcher, and Representative Bill Post for his personal slanderous unprovoked miss characterization of comments I made during a Senate Floor debate.

May 23, 2019, I commented on a highly sensitive bill SB 1049 which referred to Public Employee Retirement System (PERS) during Senate Floor debate. On May 28, 2019 at 8:17 am, Mr. Lockwood tweeted a miss characterization of portions of my May 23, 2019 Floor comments on SB 1049.

Lockwood's May 28, 2019 8:17 am tweet read "Sen. Jeff Manning says the Democrats need to get EVERY dime they can for PERS and on businesses that can't afford PERS bailout: Let em leave!" which is a total miss characterization of my comments. Additionally, he doctored the video of my floor speech to support his miss characterization of what I said in that same tweet.

Out of the many speakers to this issue (SB 1049) Mr. Lockwood chose me to target. I believe he targeted me as a person of color, and thereby he violated the employee workplace harassment free policy. Which his employers did absolutely nothing to direct him to delete the tweet or apologize to me.

As a result of Lockwood's tweet, I received threatening emails from I assume Lockwood's supporter and one falsely accusing me of targeting Lockwood because he is gay since I filed my complaint against him. For the record, I don't know Lockwood, nor do I care nor hold any position regarding his personal being.

Lockwood's tweet in sighted his followers to attack me with one who announced he was going to use the tweet for political purposes. Another, Andrew Miller, CEO Stinson Lumber Co, used Lockwood's tweet in an op-ed that senate republicans (Senators Alan Olsen, Tim Knoop, Herman Baertschiger Jr., and Brian Boquist) used to harass, mis characterize, and besmirch my name on the Senate Floor.

I demand immediate termination of Jonathan Lockwood; censures for Senators Thatcher, Linthicum, and Representative Bill Post for condoning Lockwood's action, and censures for Senators Olsen, Knoop, Baertschiger Jr., and Boquist for their coordinated action to harass, mis characterize, and besmirch my name related to Lockwood's tweet.

**Knieling Jessica** 

From:

Knieling Jessica

Sent:

Friday, May 31, 2019 8:55 AM

To:

Lockwood Jonathan

Subject:

Do you have time to meet with me?

A concern was brought to my attention and I was hoping to have some time to chat with you. My schedule is fairly open today if you happen to have a moment. Thank you!

Jessica N. Knieling Interim HR Director Desk: 503.986.1370 Mobile: 503.480.9504 stimson leaves oregon

Case 6:19-cv-01163-MC

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#### Stimson Lumber Announces It's Pulling Timber Jobs Out of ...

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https://www.wweek.com > news > 2019/05/31 > stimson-lumber-announce... • May 31, 2019 - Stimson Lumber Announces It's Pulling Timber Jobs Out of Oregon, ... Tax Increase, a Board Member Quits and Encourages Others to Join Him.

#### Stimson Lumber Calls For Boycott of Oregon Businesses That ...

https://www.wweek.com > news > 2019/06/26 > stimson-lumber-calls-for-... ▼ Jun 26, 2019 - Stimson Lumber Calls For Boycott of Oregon Businesses That ... while having an imperceptible impact on our climate," Stimson CEO ... One Foster Dad Calls It Quits-and Blames the Unintended Consequences of Oregon's ...

#### Stimson Lumber cuts 60 jobs, blames 'cost of doing business ...

https://www.oregonlive.com > business > 2019/05 > stimson-lumber-cuts-6... ▼ May 31, 2019 - By Mike Rogoway | The Oregonian/OregonLive. Stimson Lumber Co. said Friday it will lay off 60 workers at its mill ... with new family leave laws and a prospective carbon reduction bill, are substantially increasing their costs.

#### Oregon lumber co. cuts workforce by 40% over taxes, fees ...

https://www.ktvz.com > news > oregon-lumber-co-cuts-workforce-by-40-o... Jun 1, 2019 - In Oregon, Stimson also operates in Tillamook and Clatskanie. ... will come in referring to Oregon's business community leaving the state under ...

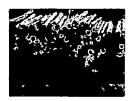
#### Stimson Lumber lays off 60 employees - Portland Business ...

https://www.bizjournals.com > portland > news > 2019/05/31 > citing-oreg... ▼ May 31, 2019 - Citing labor, regulatory and tax laws deemed unfriendly to businesses in Oregon, Stimson Lumber Company is cutting 60 jobs at its sawmill in ... Missing: leaves | Must include: leaves

#### Stimson Lumber To Lay Off 60 Workers In Forest Grove . News ...

https://www.opb.org > news > article > stimson-lumber-lay-offs-forest-grove • May 31, 2019 - Stimson Lumber Company announced Friday that it is cutting 60 jobs ... In Oregon, Stimson Lumber also operates in Tillamook and Clatskanie. Missing: leaves | Must include: leaves

#### Images for stimson leaves oregon









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Report images

#### Who has Been Bankrolled by Stimson Lumber? - BlueOregon

https://www.blueoregon.com > 2010/10 > who-has-been-bankrolled-stimso... Oct 28, 2010 - That brought the Stimson total to a staggering \$385k for Dudley. .... before an occupational injury leaves us on our own with nothing to show for ...

### [PDF] Stimson - US Senate Committee on Energy and Natural ...

https://www.energy.senate.gov > public > index.cfm > files > serve ▼ Feb 6, 2014 - Stimson Lumber Company, Portland, Oregon. S. 1784, the Oregon and .... S. 1784 leaves important questions to be answered. Is the projected ...

May 31, 2019

For Immediate Release Media Contact: Andrew Miller, CEO Stimson Lumber (503) 222-1676

#### STIMSON LUMBER TO SIGNIFICANTLY REDUCE FOREST GROVE MILL **WORKFORCE CITING HARMFUL STATE BUSINESS POLICIES**

85 year-old mill will reduce workforce by 40% resulting in loss of 60 family-wage jobs Company leaders blame Oregon's recent labor, regulatory and tax laws

PORTLAND, OR. - Stimson Lumber Company announced today that it will permanently curtail operations at its Forest Grove sawmill by 40%, resulting in the loss of over 60 competitive-wage jobs with full benefit packages. The mill, built as a state-of-the-art operation designed to keep the company competitive in a crowded market following the Great Depression, opened in 1933 and has employed Oregonians for over 85 years. Andrew Miller, CEO of Stimson Lumber Company and a member of the Stimson-Miller family, cited changes to Oregon's business environment that have undermined the economic foundation of the mill.

"Stimson Lumber has over a hundred years of history in Oregon, providing family-wage jobs, investing in local communities and adding to the culture of our state," Miller stated. "It breaks my heart that due to the rising cost of doing business in Oregon, our company is forced to shift operations to states like Idaho and Montana, where the cost to produce lumber products is 5 to 7% less than in Oregon. This percentage is not wage based, it is due to the accumulation of taxes, fees and regulations that have eroded the competitiveness of the wood products industry in North American and global markets. Each one of these 60 jobs is vital to the surrounding communities. These are mothers and fathers working hard everyday in our mill, earning great wages and benefits for their families. They take pride in their work, and many have been with us for decades. I am beyond sad and frustrated that Oregon's elected leaders don't value jobs like this," Miller said.

The Stimson Lumber family dates back to the mid 1800's, farming trees in Michigan and ultimately moving West into Washington, Oregon and Idaho.

Mr. Miller referred to specific legislation recently passed by the Oregon legislature, and bills currently being debated in this legislative session, as reasons for shifting a percentage of company operations to other states. Oregon's "Clean Fuels Tax" passed in 2015 has driven up the cost of business, while pending cap and trade legislation threatens to put more pressure on businesses, driving fuel prices up \$.22/gallon in just the first year. The recent passage of Oregon's new Commercial Activity Tax, or Gross Receipts Tax, will raise billions of dollars in new taxes on businesses without any spending reforms. When budget deficits continue in future legislative sessions due to rising PERS and healthcare costs, the pressure to increase those taxes will be unavoidable.

"State Senator James Manning was guoted last week on the Senate floor saving 'Let them leave! Somebody else will come in' referring to Oregon's business community leaving the state under hostile conditions," said Miller. "I wonder what Senator Manning would say to the 60 families without jobs tonight. I wonder if he would have the same tone with a family left wondering how they will pay the mortgage and put food on the table. Are their livelihoods less important than his? Unfortunately, this is what it's come to in Oregon, Miller stated. "Stimson Lumber was able to weather even the Great Depression without laying anyone off, but that is no match for the damage that elite, urban politicians have inflicted on rural Oregon. We have always been ahead of the curve, implementing paid family and sick leave programs before they were mandated, providing some of the best healthcare available to our employees, keeping our employees safe with ongoing training certifications, and paying high wages. We invest in our employees because without them this company would lose its value and purpose."

"It is clear to me and colleagues I speak with in the wood products and farming sectors, that despite lazy lip service from Governor Brown and legislative leaders about their

#### STIMSON LUMBER ANNOUNCES LAYOFFS AT FOREST GROVE MILL

concerns for rural Oregon, the policies they are pursuing and the trajectory we are on tell me they simply do not care about rural Oregon," Miller added. "Their policies have and will impose disproportionate costs on rural employers and communities compared to urban Oregon. I do not need to be hit with a 2x4 in the face to see that Oregon is an urban state and rural Oregon is a place for urbanites to recreate. Investment capital and jobs are mobile. I see the smoke. I do not need to wait for the fire. It is time to adapt to a changing environment by moving on. I would appreciate our state leaders mustering the courage to be honest with rural Oregon that they do not care about its plight," Miller stated. "Their policies demonstrate this loud and clear. They should save their collective breath on insincere words of 'concern and care'."

Located roughly 30 miles west of Portland, the Forest Grove mill sits at the base of Stimson's original timber holdings in Oregon and employs roughly half of its workforce in the state. Most of the employees at this location reside in the surrounding communities of Forest Grove, Hillsboro, Gaston, Yamhill and Carlton. This reduction in workforce constitutes about 20% of the company's overall employment in Oregon.

"I am dismayed as to why Oregon's legislative leadership would actively force business and jobs out of state. These jobs are needed to fund our state government and the services that Oregonians expect. Without a competitive tax and regulatory business environment, wages will continue to stagnate, benefits will be cut and jobs will leave," Miller said. "The formula is quite simple: businesses will go where they are wanted. The unfortunate consequence of Oregon's assault on businesses is that our rural and agricultural communities will continue to pay the price for poor leadership. There is a significant difference between naturally changing and shifting economies, and local government disregarding entire populations of Oregonians. Oregon's leaders have communicated that they don't value natural resource employers like Stimson, and we have been forced to respond by shifting our workforce to states like Idaho and Montana where the environment is more hospitable. For Oregon's sake I hope Senator Manning is right that new businesses will come to Oregon to replace those that leave. I believe time will prove him wrong. Look at what's happened in New York and Illinois. Then, what will Oregon do?"

Stimson Lumber currently operates in Tillamook, Clatskanie and Forest Grove.

####

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#### **OLIS Public Record**

#### SB 1049 23 May 2019 Senate Floor 1:08:47

"Let them leave" Context Transcript (Stimpson Press Release)

"...Do we make adjustments when necessary, and I hope, and I pray that we do, we need to fund pers, we need to get every dime that we can to fund pers, but we cannot allow the good work that we have to collapse. We can't allow us to go back and try to do this funding source over again. And I do agree, those  $1/10^{th}$  of a percent at the top, they don't pay. We're always looking for ways to give them a tax break. Saying that if you raise their taxes they will leave the state, I say leave the state, somebody else will come in. I get so sick and tired of hearing that, we can't tax corporations because they will leave. Let 'em leave, somebody else will come in. But what we are doing today, is something that we will live with for the rest of our lives. Every time we talk about giving corporations a tax break, giving them more money, and then we let public employees, who are part of us [suffer], Who actually do we represent? What can we do when two worlds collide. I understand the importance of education, that is a world that I cannot allow to explode. We've come too far, the senator from Beaverton..."

State Senator James Manning Jr.

http://oregon.granicus.com/MediaPlayer.php?clip\_id=27004

# Twenty-fifth Sunday in Ordinary Time

September 22, 2019

First Reading: Amos 8: 4-7

Responsorial: Psalm 11: 1-2, 4-6, 7-8 Second Reading:

1 Timothy 2: 1-8 Gospel:

Luke 16: 1-13

"Though our Lord Jesus Christ was rich, he became poor, so that by his poverty you might become rich."

#### In Our Parish

# Baptism—Rite of Christian Initiation

Ariana Amyah Fernandez
Allison Vargas Islas
Emiliano Muñoz-Vallejo
Dahlia Marina Rodriguez
Karina Elizabeth Navarro G.
Leonardo Alonso Delgado
Liam Sebastian Alvarez C.
Natalia Muñoz-Vallejo
Neo Angelo Coria
Omar Akil Rodriguez
Sofia Muñoz-Vallejo
Ava Adelainda Hernandez
Evelyn Andrea Hernandez
Rosalie Ann Hernandez

# Funeral—Rite of Christian Burial

Constance Thompson Malisza Marie Martinez

#### Wedding—Rite of Christian Marriage

Celestino Cid Ramirez &

Maria G. Ordoñez Sosa

# Catholic Young Adults Dance

September 29th from 6:00-9:00pm in gymnasium. Put on your dance shoes and come join us for a social ballroom dance for young adults, ages 18-32.

We will be dancing Waltz, Swing, Foxtrot and Cha Cha, and basic instruction will be given during the first half hour; beginners welcome!

Suggested donation: \$3

# The Pastor's Keyboard—Msgr. Richard Huneger

It will be helpful to set forth a bit of history of St Joseph Parish and School, before listing the archdiocesan pastoral priorities and checklist for vibrant parishes. Here goes:

St Joseph Parish (now arguably the largest and most diverse in the Archdiocese) began in 1863, though Fr Crowe was not able in 1853 to find more than one or two Catholics in the area, an environment which he described as rather unfriendly toward Catholics. The rise of the Ku Klux Klan here post-WWI (with temporary resurgence in 1976 after the Jimmy Carter election) led to the 1922 Oregon School Bill which mandated education in a public institution for all children from second grade on (from age 8-16 until completion of grade school); a legal challenge by the Marylhurst Holy Names Sisters led to a Supreme Court decision in 1929 unanimously backing the right of parents to choose education for their children, and thus established the constitutional legitimacy of Catholic Schools for this country.

St Joseph was the sole Salem parish until 1925, when St Vincent received everything north of "Market" Street, and St Joseph everything south of it, within their boundaries. Then, in 1963 Queen of Peace was born, and in 1967, St Edward, leaving Salem with four East-West bands of geographic parish identity.

Meanwhile the inner core of residential housing (affecting downtown and also the immediate area surrounding St Vincent, and that of East Salem, much of it early post-WWII "starter" homes) started fading, as almost all new, more upscale construction took place in West, South, and North (Keizer) Salem. Technically, all West Salem funnels into St Joseph as part of this parish, but parish lists of Queen of Peace and Keizer would reveal some 97304 zip codes too. At one time there were plans to make West Salem a separate parish, but these never materialized. The Archdiocese was also once considering a new, East Salem parish (beginning with the Spanish Mass East Salem Community Center participants). During the next 20 years 40% of new construction will be occurring near Queen of Peace. At present, considerable construction of inexpensive apartments is taking place in the NE area.

In recent decades St Joseph began serving four "regional" groups:

- 1. It is home to one of the earliest Vietnamese communities in the Archdiocese (never more than about 250, but getting smaller now, as young adults successfully migrate in their career paths to Seattle, New York, Los Angeles, and so on -- Salem is not the job market for many of them). Vietnamese Catholicism has been influenced by the French. St Joseph also has sizeable, but smaller, Filippino and Pacific Islander communities.
- 2. Second, the Misión San José was one of about six "mission" stations for Spanishlanguage ministry, under the Vicariate San Salvador established in 1975 (others included Cornelius, Woodburn, Independence, Medford, and St Andrew in Portland). It had a large regional draw that today makes up about two-thirds (3300) of Sunday Mass attendance here. In 1995 Archbishop Levada abolished the Vicariate San Salvador and asked each Area Vicariate to host at least one Spanish service, with a view to mainstreaming Hispanic presence and ministry in more and more parishes over time. St Vincent and St Edward added a Spanish Mass (numbering 900 and 800 in attendance respectively). Large numbers over the years suggest a considerable "revolving door" population of families present only for sacramental preparation and festive celebrations. Some estimate that about onethird of the long-time Hispanic population at church at any given time makes up the stable "invested" core of this group. Over the years Hispanic workers have gone from migrant to settled, including home ownership, entering education and the professions, starting their own businesses, becoming prominent in certain types of work: construction, the trades, landscaping, trucking, service and retail (bi-lingual competency). A growing number of youth are now entering college as well.
- 3. Third, at Pope John Paul II's request, under Archbishop Levada, several parishes were charged with providing Latin Mass availability at least once a month, in order to reach out to those who loved the Latin Mass, lest they go into schism (Archbishop Lefebvre's movement, called the Pius X Society). Over time, and under Benedict XVI, a new Latin-Mass constituency developed among younger Catholic families, or converts, finding in it something "new," missing in the "old-fashioned" vernacular liturgical offerings. To be cont.



# Oregon State Senate 80<sup>th</sup> Legislative Assembly Recording Log

2019 Regular Session 6/3/2019 10:24:08 AM

00:05:58	THE SENATE WILL PLEASE COME TO ORDER President Courtney
	in Chair
00:05:59	THE CLERK WILL CALL THE ROLL
00:06:01	Excused: Taylor
00:09:44	A QUORUM BEING PRESENT, WE WILL POST THE COLORS
00:10:18	President:The Senate Pledges Allegiance to the flag.
00:10:35	INVOCATION
00:10:37	President:Invocation by Senator Hansell.
00:12:47	COURTESIES OF THE SENATE Last Friday was Senator Chuck
	Riley's Birthday-in celebration, cake will be served in his office after
	session.
00:13:10	Hansell
00:14:02	Dembrow
00:15:10	REMONSTRANCES
00:15:16	Boquist
00:17:15	Olsen
00:19:20	Knopp
00:21:25	Baertschiger, Jr.
00:23:09	Manning, Jr.
00:24:49	Boquist
00:24:55	President
00:25:10	Prozanski
00:27:24	President: The Senate Rules provide that a Remonstrance shall be
	considered as a protest under Article IV, section 26 of the Oregon
	Constitution; Mason's Manual does not cover Remonstrances.
00:29:13	Manning, Jr.
00.30.24	MESSAGES FROM THE HOUSE

00:31:45	REPORTS FROM COMMITTEES
00:31:47	President:In accordance with SR 8.55 (1) Committee Report Summary
	# 159 was distributed to members May 29th, # 160 was distributed
	May 30th, # 161 was distributed May 31st and # 162 was distributed
	today. This information will be recorded in the Journal and Status
	Report. So ordered.
00:32:00	PROPOSITIONS AND MOTIONS
00:32:10	Baertschiger moves that in compliance with Article IV, section 19 of
	the Oregon Constitution, and notwithstanding any provision of the
	Senate Rules for the 2019 Regular Session of the Eightieth Assembly,
	the requirement that on its final passage each bill shall be read section
	by section be suspended for today's Third Reading calendar only.
00:32:38	President: Without objection, so ordered.
00:32:46	Burdick moves that consideration of the Committee and Minority
	Report to HB 2014 be taken from their places on today's calendar and
	be placed on the Tuesday, June 4th calendar.
00:33:20	President: Without objection, so ordered.
00:33:25	President: The motion has carried.
00:33:27	Burdick moves that consideration of the Committee and Minority
	Report to SB 723 be taken from their places on today's calendar and be
	placed on the Tuesday, June 4th calendar.
00:33:51	President: Without objection, so ordered.
00:33:56	President: The motion has carried.
00:33:59	Burdick moves that HB 2016 be taken from its place on today's
	calendar and be placed on the Tuesday, June 4th calendar.
00:34:24	President: Without objection, so ordered.
00:34:27	President: The motion has carried.
00:34:30	Concurrences:
00:34:35	Wagner moves that the Senate concur in the House amendments and
00 00 0	repass SB 13 B-Eng.
00:36:35	President: SB 13 B-Eng., having received a constitutional majority is
00.00.40	declared repassed.
00:36:40	Prozanski moves that the Senate concur in the House amendments
00.99.10	and repass SB 359 A-Eng.
00:38:16	President:SB 359 A-Eng., having received a constitutional majority is
00:38:20	declared repassed.
00:36:20	ACTION ON EXECUTIVE APPOINTMENTS REQUIRING SENATE CONFIRMATION
00.20.22	
$00:38:23 \\ 00:38:25$	INTRODUCTION AND FIRST READING OF SENATE MEASURES SR 3
00:38:26	SR 3 SB 1052
00:38:32	President:Transmitted to President's desk for referral.
00:38:34	SECOND READING OF SENATE MEASURES
00:38:35	SCR 36
00.00.00	DOIL DO

Filed 09/24/19

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00:38:37
           SB 113
           SB 431
00:38:38
           SB 455
00:38:40
           SB 558
00:38:41
           SB 1044
00:38:42
           President: Passed to calendar.
00:38:51
           THIRD READING OF SENATE MEASURES
00:38:53
           SB 5533 A-Eng. Manning, Jr.
00:38:59
           SB 5533 A-Eng. Passed
00:41:26
           SB 5544 A-Eng. Beyer
00:41:32
           SB 5544 A-Eng. Passed
00:43:59
           SB 19 A-Eng. Beyer
00:44:04
           Linthicum
00:44:51
            SB 19 A-Eng. Passed
00:46:54
           SB 40 A-Eng. Frederick
00:46:59
            SB 40 A-Eng. Passed
00:49:14
            SB 42 B-Eng. Girod
00:49:19
            Gelser
00:50:29
            SB 42 B-Eng. Passed
00:52:52
            SB 905 A-Eng. Roblan
00:52:57
00:54:23
            Gelser
            SB 905 A-Eng. Passed
00:56:57
            SB 1025 A-Eng. Johnson
00:57:02
            Johnson closes.
00:58:01
            SB 1025 A-Eng. Passed
00:59:02
            FIRST READING OF HOUSE MEASURES
00:59:06
            HB 5002
00:59:07
            HB 5003
00:59:07
            HB 5035
00:59:08
            President:Transmitted to President's desk for referral.
00:59:15
            SECOND READING OF HOUSE MEASURES
00:59:18
            HCR 24
00:59:19
            HCR 36
00:59:20
00:59:26
            HJM<sub>1</sub>
            HB 2106
00:59:27
            HB 2658
00:59:29
00:59:30
            HB 2841
            HB 2883
00:59:31
00:59:32
            HB 2932
00:59:33
            HB 2935
           HB 3024
00:59:41
           HB 3272
00:59:42
            HB 3365
00:59:43
           HB 3415
00:59:44
```

01:00:03	President:Passed to calendar.					
01:00:03	THIRD READING OF HOUSE MEASURES					
01:00:09	HB 2085 B-Eng. Bentz					
01:03:08	HB 2085 B-Eng. Passed					
01:03:15	HB 2393 A-Eng. Fagan					
01:05:16	HB 2393 A-Eng. Passed					
01:05:22	HB 2400 A-Eng. Thatcher					
01:07:42	HB 2400 A-Eng. Passed					
01:07:47	HB 2401 Manning, Jr.					
01:09:50	HB 2401 Passed					
01:09:56	HB 2480 A-Eng. Thatcher					
01:11:35	HB 2480 A-Eng. Passed					
01:11:40	HB 2530 B-Eng. Boquist					
01:13:10	HB 2530 B-Eng. Passed					
01:13:15	HB 2573 A-Eng. Roblan					
01:15:26	HB 2573 A-Eng. Passed					
01:15:55	Baertschiger, Jr. vote explanation					
01:16:17	HB 2876 A-Eng. Baertschiger, Jr.					
01:19:21	HB 2876 A-Eng. Passed					
01:19:28	HB 3077 B-Eng. Gelser					
01:21:35	HB 3077 B-Eng. Passed					
01:21:43	HB 3201 B-Eng. Manning, Jr.					
01:24:45	HB 3201 B-Eng. Passed					
01:24:53	HB 3216 B-Eng. Frederick					
01:27:19	Olsen					
01:30:26	Steiner Hayward					
01:32:54	Manning, Jr.					
01:36:03	Thomsen					
01:36:42	Prozanski					
01:38:50	Gelser					
01:42:02	Frederick closes.					
01:44:53	HB 3216 B-Eng. Passed					
01:45:11	Steiner Hayward return to Courtesies					
01:45:51	President: Without objection, the remaining Third Reading of House					
	Measures will be carried over to tomorrow's calendar, Tuesday, June					
	4th. So ordered. HB 3224 A-Eng., 3293 B-Eng., 2045 B-Eng., 2079 A-					
	Eng., 2080 A-Eng., 2585 B-Eng.					
01:45:57	OTHER BUSINESS OF THE SENATE					
01:45:59	President:In accordance with SR 8.40 (3) Committee Referral List # 59					
	was distributed to the members May 29th and # 60 was distributed					
	May 31st. The referrals will be recorded in the Journal and Status					
	Report. So ordered.					
01:46:10	ANNOUNCEMENTS					
01:46:20	Riley					

01:46:53 President:If there are no further announcements and without objection, the Senate is adjourned until 10:30 a.m., Tuesday, June 4th.



#### LORI L. BROCKER SECRETARY OF THE SENATE

August 19, 2019

The Honorable Herman Baertschiger, Jr. Senate Minority Leader Senate Republican Office 900 Court Street, Room 323 Salem, OR 97301

Minority Leader Baertschiger Jr.:

Thank you for your letter delivered Thursday, August 15, 2019, regarding the floor session language used and the action taken to compel the attendance of absent senators during the legislative session ending June 30, 2019.

The questions you ask appear predicated on the presumption that a formal motion was made on June 20, 2019. I do not agree with that presumption and, therefore, am unable to answer your questions in seriatim.

I have attached to this letter the draft journal entry for June 20, 2019. It contains the language used on the floor in the context of Senate members present seeking to compel the attendance of absent members pursuant to Article IV, section 12 of the Oregon Constitution and Senate Rule 3.01. The constitutional and rule provisions cited grant authority to a "lesser number" or "smaller number" of senators to "compel the attendance of absent members" (Senate Rule 3.01; Art. IV, sec. 12) as the Senate seeks to establish a quorum to transact business (Senate Rule 3.01). Please note that the journal entry is in draft form simply because our office is in the process of proofing journal entries in preparation for publication. Our proofing process generally takes several months after a long session to complete.

While I was directly involved in the floor session on June 20<sup>th</sup>, neither I, nor our office, is or was directly involved in the execution of the actions to compel referenced on June 20<sup>th</sup>, outside of the continued efforts taken by the Sergeant at Arms to locate absent senators pursuant to establishing a quorum.

Sincerely,

Lori L. Brocker

Secretary of the Senate

SENATE JOURNAL

HB 2201 B-Eng. - Read third time. Carried by Golden. On passage of bill the vote was: Ayes, 28; Excused, 1 - Bentz. Bill passed.

HB 2202 B-Eng. - Read third time. Carried by Manning Jr. On passage of bill the vote was: Ayes, 28; Excused, 1 - Bentz. Bill passed.

HB 2267 A-Eng. - Read third time. Carried by Wagner. On passage of bill the vote was: Ayes, 28; Excused, I - Bentz. Bill passed.

11B 2328 - Read third time. Carried by Manning Jr. On passage of bill the vote was: Ayes, 28; Excused, 1 - Bentz. Bill passed.

HB 2829 A.Eng. - Road third time. Carried by Frederick. On passage of bill the voto was: Ayes, 24; Nays, 4 - Boquist, Linthicum, Thatcher, Thomsen; Excused, 1 - Bentz, Bill passed.

The following measures were referred to committee on June 18, and recorded on Committee Referral List No. 69, which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 1053 Rules
HB 5027 Ways and Means
HB 5033 Ways and Means
HB 2020 Ways and Means
HB 2230 Ways and Means
HB 2233 Ways and Means
HB 2333 Ways and Means
HB 2437 Ways and Means
HB 3062 Ways and Means
HB 3067 Finance and Revenue
HB 3436 Finance and Revenue

HB 5048; HB 2084, 2141, 2417, 2515, 2591, 2592, 2631, 2699, 2788, 2881, 2972, 3137, 3138, 3152, 3213, 3309, 3413, 3431 – President Courtney signed on June 19.

Senate adjourned until 11:00 a.m., Thursday, June 20, by unanimous consent at the request of the Chair.

#### Thursday, June 20, 2019 - Morning Session

Senate convened at 11:00 a.m., President Courtney in Chair. The following members were present: Beyer, Burdick, Dembrow, Fagan, Frederick, Gelser, Golden, Hass, Johnson, Manning Jr, Monnes Anderson, Prozanski, Riley, Roblan, Steiner Hayward, Taylor, Wagner; absent - Baortschiger Jr, Bentz, Boquist, Girod, Hanself, Heard, Knopp, Linthicum, Olsen, Thatcher, Thomson; deceased - Winters.

Call of the Senate demanded by Burdick, joined by Monnes Anderson and Roblan. All present except, absent - Baertschiger Jr, Bentz, Boquist, Girod, Hansell, Hoard, Knopp, Linthicum, Olsen, Thatcher, Thomsen. Pending arrival of members subject to the Call, Senate at ease.

Burdick requested that pursuant to Article IV, section 12, of the Oregon Constitution and the Senate Rule 3.01, the Senate compel absent members to attend all sessions of the Senate unless excused by the President in accordance with Senate Rule 3.10. Effective Friday, June 21, 2019 at 11:00 a.m., each member of the Senate who is absent shall be fined \$500 per day for each assion day a quorum fails to be cetablished and maintained. The fines shall be collected by forfeiture of any sum that becomes due and payable to the absent member including salary and per diem.

The President asked that the record show that the Sonate acted to compel the attendance of absent members. The President served notice that a letter requesting assistance from the Governor and Oregon State Police for the purposes of establishing a quorum had been sent.

Senate remainded at ease, pending arrival of members subject to the Call.

Having not recorded the necessary 20 members present to meet the constitutional quorum requirement, the Senate proceeded to adjournment.

Pursuant to Article IV, section 12, of the Oregon Constitution, and Senate Rule 3.01 (2), the Senate continued to compel the attendance of absent members, and the President adjourned the Senate without a quorum until 9:00 a.m., Friday, June 21.

#### Friday, June 21, 2019 - Morning Session

Senate convened at 9:00 a.m., President Courtney in Chair. The following members were present: Beyer, Burdick, Dembrow, Fagan, Frederick, Gelser, Goldon, Hass, Johnson, Manning Jr, Monnes Anderson, Prozanski, Riley, Roblan, Steiner Hayward, Taylor, Wagner; absent - Baertschiger Jr, Bentz, Boquist, Girod, Hansell, Heard, Knopp, Linthicum, Olsen, Thatcher, Thomsen; deceased - Winters.

Senate recessed until 10:00 a.m. by unanimous consent at the request of the Chair. Rocess was extended hourly by ungnimous consent at the request of the Chair.

#### Friday, June 21, 2019 - Afternoon Session

Senate reconvened at 5:00 p.m., President Courtney in Chair. The following members were present: Beyer, Burdick, Dembrow, Fagan, Frederick, Gelser, Golden, Hass, Johnson, Manning Jr. Monnes Anderson, Prozanski, Riley, Roblan, Steiner Hayward, Taylor, Wagner; absent - Baertschiger Jr, Bentz, Boquist, Girod, Hansell, Heard, Knopp, Linthicum, Olsen, Thatcher, Thomsen; deceased - Winters.

Having not recorded the necessary 20 members present to meet the constitutional quorum requirement, the Senate proceeded to adjournment.

Pursuant to Article IV, section 12, of the Orogon Constitution, and Senate Rule 3.01 (2), the Senate continued to compel the attendance of absent members, and the President adjourned the Senate without a quorum until 10:00 a.m., Sunday, June 23.

#### Sunday, June 23, 2019 - Morning Session

Senate convened at 10:00 a.m., President Courtney in Chair. The following members were present: Beyer, Burdick, Dembrow, Fagan, Frederick, Gelser, Golden, Hass, Johnson, Manning Jr, Monnes Anderson, Prozanski, Riley, Roblan, Steiner Hayward, Taylor, Wagner; absent - Baertschiger dr, Bentz, Boquist, Girod, Hansell, Heard, Knopp, Linthicum, Olson, Thatcher, Thomsen; deceased - Winters.

Having not recorded the necessary 20 members present to meet the constitutional quorum requirement, the Senate proceeded to adjournment.

Pursuant to Article IV, section 12, of the Oregon Constitution, and Senate Rule 3.01 (2), the Senate continued



#### **OREGON STATE SENATE**

Secretary Brocker,

I would like answers to the following questions regarding Senator Burdick's motion on the floor (6/20/2019) regarding the fining of Republican Senator's.

- How was Sen. Burdick's motion scripted?
  - a. Who had input on the wording, language, structure, and who wrote it?
  - b. What was the exact scripted wording of her motion?
- 2) Was the motion made by Sen. Burdick on June 20th a legal motion under the rules of the chamber?
- 3) Was the motion made by Sen. Burdick on June 20th a permissible motion as there was not a quorum on the floor?
- 4) If the motion made by Sen. Burdick on June 20th was in fact a legal and permissible motion, why has it not been executed?
  - a. Does the Sen. President have the authority to not follow through with a motion that has been made and passed on the floor?
- If a motion's language is found to be illegal (for example finding out that the garnishing of wages is not allowed), does the entire motion become null in void?

Thank you Secretary Brocker for your assistance in this matter.

Sincerely

Senator Herman Baertschiger Jr.

Republican Leader



# Oregon State Senate 80<sup>th</sup> Legislative Assembly Recording Log

2019 Regular Session 6/20/2019 10:57:48 AM

00:04:58	THE SENATE WILL PLEASE COME TO ORDER President Courtney
	in Chair
00:05:00	THE CLERK WILL CALL THE ROLL
00:13:52	Burdick demands a call, joined by Monnes Anderson, Roblan
00:15:08	President: Requests the Sergeant at Arms to locate any additional members so that there will be a quorum on the floor.
00:22:09	President: The Sergeant at Arms reported to me that they are unable
	to locate any State Senators. Therefore we are two Senators short of
	being able to do any business on the floor of the Oregon State Senate.
00:22:54	Burdick: Pursuant to Article IV, section 12 of the Oregon Constitution
	and Senate Rule 3.01, I request that the Senate compel the absent
	members to attend all sessions of the Senate unless excused by the
	President in accordance with Senate Rule 3.10. Effective Friday, June
	21st, 2019 at 11:00 a.m., each member of the Senate who is absent
	shall be fined \$500 per day for each session day a quorum fails to be
	established and maintained. The fines shall be collected by forfeiture of
	any sum that becomes due and payable to the absent member
	including salary and per diem.
00:23:46	President: Reads a letter directed to the Governor requesting that the
00.20.10	Oregon State Police assist the Senate in establishing a quorum.
00:31:05	President: A request has been made to compel the attendance of absent
00.01.00	members and impose a fine of \$500, per absent member for each day a
	quorum fails to be established or maintained. The fine will take effect
	tomorrow, June 21st at 11:00 a.m. Without objection, let the record
	show that the Senate acted today to compel the attendance of absent
	members.
00:37:06	President: I will adjourn the Senate at 5:00 p.m. today.
00.01.00	resident. I will adjourn one senate at 0.00 p.m. today.

senate der	nocrats	will not	fine	republicans	in	oregon
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#### Oregon Democrats: Republican State Senators Will Not Be ...

https://www.opb.org > article > oregon-republicans-senate-walkouts-no-fines > Aug 23, 2019 - Oregon Democrats: Republican State Senators Will Not Be Fined For ... abandoning a plan to fine Republicans \$500 a day for the walkout, ...

#### Democrats won't fine Oregon Senate Republicans who ...

https://www.oregonlive.com > politics > 2019/08 > democrats-wont-fine-or... \* Aug 23, 2019 - Instead, Democrats will work to present voters with a constitutional ... Democrats won't fine Oregon Senate Republicans who walked out over climate bill. Updated ... I'm not going to be a political prisoner in the state of Oregon.

#### Democrats won't fine Oregon Senate Republicans for walkout ...

https://www.kgw.com > article > news > politics > democrats-wont-fine-ore... ▼ Aug 23, 2019 - Oregon Senate Democrats on Friday said they will not collect the fines from the 11 Republican state senators who walked out in opposition of a ...

#### Oregon Senate Democrats Will Waive Fines For AWOL ...

https://www.wweek.com > news > state > 2019/08/23 > oregon-senate-dem... • Aug 23, 2019 - The Oregon Senate Democrats announced today they will waive the proposed ... this is not a tactic that should ever be used again, and that they will work with us to ... Democrats had proposed to fine each Republican senator ...

#### Oregon Democrats aim to change quorum after GOP walkouts ...

https://www.ktvz.com > news > senate-democrats-drop-bid-to-fine-gop-sen... ▼ Aug 23, 2019 - Senate Democrats drop bid to fine 11 GOP senators ... that the Legislature will not fine the 11 state senators who left the state to deny a quorum ...

#### Oregon Dem lawmakers say they will remove Republicans ...

https://www.kdrv.com > content > news > Oregon-Democrats-threaten-to-r... ▼ Aug 23, 2019 - Democrats in the Oregon Senate won't hold Republican senators to the fines ... Senate Democrats said that the decision to not fine Republican ...

#### Oregon Senate drops plan to collect fines from Republicans ...

https://www.statesmanjournal.com > story > news > politics > 2019/08/23 > o... Aug 23, 2019 - Senate Democratic leaders are planning to prevent future walkouts by amending the constitution and not fining 11 Republican senators who walked out. ... given the fact that they had no legal grounds to fine us to begin with," ...

#### State Senate Democrats drop threat to fine Republicans over ...

https://www.dailyastorian.com > news > local > state-senate-democrats-drop-t... Aug 25, 2019 - Senate Democrats will work to protect Oregon's democracy by giving ... "I hope our Republican colleagues now see that this is not a tactic that ...

#### Oregon Democrats aim to change quorum after GOP walkouts

https://www.apnews.com > ... >

Aug 23, 2019 - "Democrats were not happy when Republicans walked out on them this ... will not fine the 11 state senators who left the state to deny a quorum ...

#### Senate Republican Caucus News and Information - Oregon ...

https://www.oregonlegislature.gov > senaterepublicans > Pages > news • Senate Republicans Stand for Education, Continue to Deny Democrats a Quorum ... In Case You Missed It: 'You're not the only one': Former Coffee Creek ... Oregon Senate Votes to Increase Penalty for Strangulation, 2/20/2018 11:15 AM.



# SENATE MAJORITY OFFICE

Oregon State Legislature State Capitol Salem, OR

# **NEWS RELEASE**

August 23, 2019

CONTACT:

Rick Osborn 503-986-1074

Rick.osborn@oregonlegislature.gov

## Senate Democrats to propose bills to prevent future walkouts

SALEM – The Oregon State Senate will not send invoices collecting fines against 11 Republican state senators who walked off the job toward the end of the 2019 Legislative Session. Instead, Senate Democrats will focus on efforts to protect Oregon's democracy by removing the ability of a minority faction to halt the work of the people by denying quorum.

Senate Democrats achieved historic results for Oregonians in the 2019 session, including passage of the Student Success Act, stabilizing Oregon's housing crisis, paid family leave and criminal justice reform for juveniles. But twice during the 2019 Legislative Session, Senate Republicans abandoned their constitutional duties and hid in another state to deny the two-thirds quorum currently required to conduct business. During the second walkout, the Democratic Senators who remained at work moved to fine each absent senator \$500 per day for not showing up to work.

"Stopping the work of the people by denying a quorum is unconscionable and undemocratic. Senate Democrats will work to protect Oregon's democracy by giving Oregonians and their representatives more tools to stop any future quorum denials," Senate Majority Leader Ginny Burdick (D-Portland) said. "I hope our Republican colleagues now see that this is not a tactic that should ever be used again, and that they will work with us to prevent either party from walking off the job."

Specifically, Burdick will introduce a constitutional amendment in the 2020 session to apply the same quorum requirements as all but three other states: a simple majority, which means 16 in the Senate and 31 in the House of Representatives. The current quorum requirement is two-

thirds, which means 20 Senators and 40 Representatives must be present to conduct business. The amendment would ultimately be decided by Oregon voters in the 2020 General Election.

The decision not to issue the invoices was a difficult one, given the seriousness of the walkout. But imposing the fines would have been bogged down by lengthy litigation and hundreds of thousands of dollars in taxpayer-funded legal fees. Senate Democrats will instead channel the energy that would have been expended on that effort on preventative measures, including the constitutional amendment and other bills in the short session to ensure that a small minority of legislators cannot completely shut down the legislative process.

"The 2019 Legislative Session is over," Burdick said. "It's time for us to focus on Oregon's priorities for 2020 and beyond, and to ensure that we are able to deliver the results that Oregonians are counting on us to produce."

###

## Oregon Democrats: Republican State Senators Will Not Be Fined For Walkout

#### by Dirk VanderHart Follow OPB Aug. 23, 2019

When Oregon Republican state senators walked away from the job for the second time in late June, Democratic leaders were adamant: They would pay for it.

But punishment, if it comes at all, will not be financial.

Senate Democrats announced Friday that they were abandoning a plan to fine Republicans \$500 a day for the walkout, amid concerns over a protracted lawsuit and questions about how such unprecedented fines would work.

"The decision not to issue the invoices was a difficult one, given the seriousness of the walkout," Senate Democrats said in a statement. "But imposing the fines would have been bogged down by lengthy litigation and hundreds of thousands of dollars in taxpayer-funded legal fees."

Rather than moving forward with the promised \$3,500 fines facing each of the Republican senators, Democrats vowed instead to push through a change to the state's quorum rules. Those rules allowed Republicans to halt the action in the Senate twice this year.

Under the proposed change, which would need to be approved by voters, a simple majority of 16 (out of 30) senators would be sufficient for the chamber to conduct business. That would bring Oregon in line with the majority of states.

Currently, two-thirds of lawmakers must be present, which gave the 12-member Republican caucus leverage.

"Stopping the work of the people by denying a quorum is unconscionable and undemocratic," Senate Majority Leader Ginny Burdick, D-Portland, said in a statement. "Senate Democrats will work to protect Oregon's democracy by giving Oregonians and their representatives more tools to stop any future quorum denials."

The announcement marked a striking turnaround for Democrats, who had been adamant since the June 20 beginning of the walkout that Republicans would face consequences.

"I don't know what to call it," Burdick told reporters on June 25. "I want to call it terrorism, because they are not doing their job and it has fractured the entire institution."

But the fate of the promised fines quickly became murky once the legislative session ended on June 30.

Burdick first said that Republicans' pay would be docked, but lawmakers eventually came to the conclusion that wasn't legally possible. In July, the office of Senate President Peter Courtney, D-Salem, instead announced that Republicans would be sent invoices for the money.

"Individual bills will be sent to each senator who missed work," said Carol McAlice Currie, Courtney's spokeswoman at the time. "If they refuse to pay, they will be sent through the regular debt collection process."

But as the weeks passed, Courtney's office ceased answering questions about the process, instead referring inquiries to the Legislature's Financial Services department. That department this week directed inquiries to the Senate Majority Office, and would not comment on the status of the invoices.

In response to threats of fines, Senate Minority Leader Herman Baertschiger Jr., R-Grants Pass, signaled Republicans would weigh their legal options.

In the meantime, Sen. Brian Boquist, R-Dallas, proactively paid his fine, as part of a legal tactic in an ongoing lawsuit against Democrats. It's unclear what will become of that money. Boquist could not immediately be reached for comment Friday.

Burdick told OPB on Friday that Democrats believed they had a strong case for moving forward with fines.

"We felt that we were on very strong ground, because the Constitution specifically empowers us to compel attendance," she said. "However that process was untested, and any time you go to court there are always risks."

Meanwhile, Baertschiger had a different take.

"If you don't have confidence in your position what do you do?" he said. "You fold."

Asked whether he'd support a proposal to change Oregon's quorum rules, Baertschiger said he would not.

"I still believe that the denial of a quorum was put in our Constitution for a reason," he said. "I don't think it should be used recklessly, though. That's for damn sure."

GOP senators walked out twice during the 2019 session, using what is in effect a legislative nuclear option with unprecedented frequency. The tactic has been used by both parties in the last two decades.

Republicans first began a boycott in May, as a way to block a new tax on Oregon businesses. While the tax ultimately passed, the walkout resulted in a deal in which Republicans agreed not to walk out again, if Democrats killed controversial bills on gun control and vaccines.

The deal didn't hold up. On June 20, Republicans walked a second time, in order to block a vote on a bill to address climate change by charging polluters for greenhouse gas emissions. The bill wound up dying.

In response to the walkouts, Democrats now plan to ask voters to ensure a similar dynamic never occurs again. Burdick will float a ballot referral in next year's legislative session that, if passed, would place on the November 2020 ballot a measure changing Oregon's quorum rules.

"The 2019 Legislative Session is over," Burdick said in the statement. "It's time for us to focus on Oregon's priorities for 2020 and beyond, and to ensure that we are able to deliver the results that Oregonians are counting on us to produce."

## Oregon Governor Will Not Call Special Session To Adjust Death Penalty Law

by Dirk VanderHart Follow OPB Sept. 18, 2019

Gov. Kate Brown will not call a special session to address controversy in the state's death penalty laws after support for a session failed to materialize in the Oregon House of Representatives.

"There does not appear to be support to ensure passage of a bill," Brown said in a statement Wednesday. "I cannot justify the additional cost and time a special session requires without that support, and I will not be calling the Legislature into a special session this month before the law goes into effect."

Brown's decision comes three weeks after the governor announced she was open to convening lawmakers in order to tweak the effects of Senate Bill 1013, which narrowed the state's capital punishment laws. But Brown's support for a special session was contingent on proponents of such a tweak — namely Sen. Floyd Prozanski, D-Eugene, and Oregon prosecutors — building consensus around a bill that could be passed in one day.

That consensus did not emerge, despite weeks of lobbying. While Prozanski has said he had support in the Senate to pass a bill and had been circulating draft bill language among interested parties this week, House Democratic leadership was skeptical that SB 1013 needed changes. The proposal was seen as a tough vote for lawmakers who oppose capital punishment and were suddenly faced with a bill strengthening a law they had just pared back.

"The whole Senate stepped up to fix a problem," Prozanski said Wednesday, not long after meeting with Brown about her decision. "The issue was within the House of Representatives. Most Democrats and the Republican leadership were unable to demonstrate to the governor that they had the votes. I believe it was a game of politics."

In an Aug. 29 statement on the issue, House Speaker Tina Kotek, D-Portland, said that there was "no consensus whether the law needs to be amended and there is no agreement among legislators on appropriate next steps." House Majority Leader Barbara Smith Warner, D-Portland, concurred with that statement, a spokesman said.



Financial Services

September 6, 2019

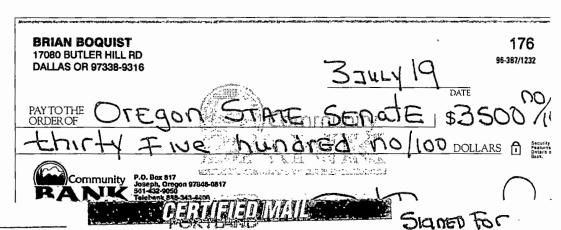
Senator Brian Boquist 17080 Butler Hill Road Dallas, OR 97338

Dear Senator Boquist,

Enclosed is your check in the amount of \$3,500.00, returned per the request of the Senate President's Office.

Regards,

Financial Services



Legislative Administration Committee Financial Services 900 Court St NE Ste 140C

Salem, OR 97301-4075

7019 0700 0000 2744 8229

Senator Brian Boquist 17080 Butier Hill Road Dallas, OR 97338



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of the

# Attorney General

of the State of Oregon

> Lee Johnson Attorney General



Volume 35, Number 4 Apr. 1 - June 30, 1971

#### DEPARTMENT OF JUSTICE

100 STATE OFFICE BUILDING SALEM, OREGON 97310 TELEPHONE: (503) 378-6368

June 2, 1971

No. 6838

This opinion is in response to a question presented by Holly Holcomb, Superintendent of State Police, on April 5, 1971.

#### QUESTION PRESENTED

May State Police be used during a call of the House to compel the attendance of absent members at a legislative session?

#### ANSWER GIVEN

Yes.

#### DISCUSSION

Article IV, Section 12 of the Oregon Constitution provides, in part, as follows:

"Two thirds of each house shall constitute a quorum to do business, but a smaller number may meet; adjourn from day to day, and compel the attendance of absent members. . . "

The right to compel attendance, usually exercised through the sergeant at arms, has throughout United States and English parliamentary history been recognized and enforced.

#### Mason states as follows:

"The right of a house of a state legislature to compel the presence of absent members is usually

guaranteed by a constitutional provision, even to ordering the arrest of members."

"When a call of the house has been ordered, the doors are promptly closed, and the clerk calls the roll of members and notes the absentees. The list of the members not recorded as present may be verified by calling the names, and the list of absentees is then given to the sergeant-at-arms with instructions to bring in the absent members."

". . .when a member is brought in by a sergeantat arms he may be required to pay any costs incident to bringing him in." Mason, Manual of Legislative Procedure §§ 190(2), 195(1), (2) (1962 ed.)

<u>Cushing</u> is somewhat more specific, as indicated in the following excerpts:

"The right of a legislative assembly . . . to have the attendance of all its members except those who are absent on leave, or in the service of the assembly, and to enforce it, if necessary, is one of the most undoubted and important privileges."

"This order is always accompanied by a resolution, 'that such members as shall not then attend be sent for in custody of the sergeant-at-arms.'"

"The duties of this officer are analogous to those of a sheriff in a court of justice. . . . He has the appointment and supervision of various officers in his department, such as the deputy-sergeant, messengers, and sometimes the doorkeepers; . . ."

"It is the duty of the sergeant-at-arms and his assistants to execute the commands of the house, . . . but, if there be occasion, the house may call in other officers to his assistance. Thus, when . . . the House of Commons ordered Oates to be sent for . . . it was ordered, at the same time, that the sergeant-at-arms go with his messengers and bring Mr. Oates to the bar of the house; and all constables and all other officers and persons whatsoever were required to be aiding and assisting him therein, if need require; . . . " [also stating several other examples in which various peace officers and other persons were ordered to assist the sergeant-at-arms.] Cushing, Legislative Assemblies, §§ 264, 265, 335, 1062 (9th ed. 1874).

No cases in point have been found, nor have we found any examples other than those set forth in Cushing, <u>supra</u> § 1062.

However, we conclude that each house does in fact have power to direct other persons (i.e., members of the state police) to assist the sergeant at arms in arresting and returning absent members upon a call of the house.

It is unquestionable that the sergeant at arms himself has such authority, yet the office of sergeant at arms is not created either by the Constitution or legislation, but instead by the rules of each house. E.g., Rule 15.01(2), (3)(b), Rules of the Senate (1971). If a house of the legislature may confer such authority upon one person, it may confer it upon another. There would, for example, be no doubt of the equivalent authority of a person designated Assistant Sergeant at Arms. In that case, it logically also has power to confer this authority on a member of the state police or any other person.

If the call of the house directs the presiding officer to direct such persons as may be necessary to assist the sergeant at arms, or a rule of the house to provide, there would be no doubt as to his power. However, Rule 3.55(3), Rules of the Senate (1971) merely directs the Sergeant at Arms, upon a Call of the Senate, "to cause all members who are not excused to come to the floor." In addition, Rule 15.05(5) provides:

"In addition to personnel otherwise authorized, the President may appoint such other personnel as he considers necessary."

This language, in our opinion, fairly implies that the President of the Senate has authority to direct members of the state police to assist the Sergeant at Arms. 1

Nor is there any doubt that State Police officers may lawfully respond to a request by the presiding officer to assist the sergeant-at-arms. ORS 181.030 provides, in part, as follows:

- "(3) The department and each member of the department shall have in general the same powers and authority as those conferred by law upon sheriffs, police officers, constables, peace officers, . . . of the state, counties and municipalities.
- "(4) The members of the State Police shall be subject to the call of the Governor, and are empowered to cooperate with any other department or authority of the state, . . . preserving law and order throughout the state; . . ."

Furthermore, the current legislature has enacted, and the Governor has recently signed, HB 1173 which amends ORS 181.050 to provide that any branch of state government may call upon the State Police to enforce any regulation of such branch. § 1, ch. 58 [1971] Or. Laws 81.

We accordingly conclude that each House has power to direct members of the state police to arrest and return absent members upon a call of the house; that the presiding officer of each house would have such power upon specific authority con-

<sup>&</sup>lt;sup>1</sup>The Rules of the House of Representatives are quite similar, except that there is <u>no</u> provision equivalent to Senate Rule 15.05(5) giving the Speaker of the House express power to appoint additional personnel as he considers necessary.

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tained in a rule or resolution, or in an adopted motion for call of the house; and the State Police may lawfully respond to such direction.

LEW JOHNSON
Aptorney General

LJ:DFO:JAR:br

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Case 6:19-cv-01163-MC

From: To: KRON Michael C ISAAK Misha \* GOV Absent Senators

Subject: Date:

Wednesday, July 10, 2019 3:11:09 PM

Misha,

This email elaborates on Fred Boss's email of June 18 in response to your question about the scope of the Oregon State Police's power to "arrest and return" absent members of the Legislature. Specifically, you had requested confirmation that the state police could use compulsion to effectuate the return of members.

It is important to note that the Oregon Constitution expressly gives "each house" of the Legislative Assembly – even when acting with less than a quorum of legislators – the authority to "compel the attendance of absent members." Oregon Constitution, Art. IV Section 12. Although there are no Oregon cases construing this language, similar authority exists in the constitutions of many other jurisdictions. For example, Art. I, section 5 of the United States Constitution likewise authorizes each house of Congress to "compel the Attendance of absent Members." And no less an authority than the United States Supreme Court has specifically stated that "the penalty which each House is authorized to inflict in order to compel the attendance of absent members may be imprisonment." *Kilbourn v. Thompson*, 103 US 168, 190 (1880). Indeed, as you note, the Legislative Assembly's power to "compel" attendance would be ineffective without the ability to use compulsion to enforce the attendance of recalcitrant members.

Consistent with the statement of the United States Supreme Court and the plain text of the Oregon Constitution, our office observed in a formal 1971 opinion that "The right to compel attendance, usually exercised through the sergeant at arms, has throughout United States and English parliamentary history been recognized and enforced." 35 Or Op Atty Gen 710. We concluded that "each House has power to direct members of the state police to arrest and return absent members upon a call of the house." *Id.* Provided the governor — in whom Article V, Section 1 of the Oregon constitution vests "[t]he cheif [sic] executive power of the State" — approves this use of an executive agency, we stand by this conclusion.

As our 1971 opinion explained, the Legislative Assembly has clear authority to delegate its authority to compel member attendance to a Sergeant at Arms. *Id.* And given that the power can be delegated to a Sergeant at Arms, an office that is not created by the Oregon Constitution, it follows that the authority can also be delegated to other entities the legislature creates. Moreover, the legislature has directly authorized the State Police to assist other branches of governments with the enforcement of their rules. Specifically, ORS 181A.090 provides that "The state police, with the approval of the Governor, may be called upon by any other branch or department of the state government to enforce criminal laws or any regulation of such branch or department." Therefore it follows that the State Police may exercise the legislative assembly's delegated authority in this regard, so long as the governor approves.

In sum, we confirm our longstanding conclusions that each house of the Legislative Assembly has the authority to force its absent members to attend legislative sessions. That authority may be delegated to the Oregon State Police, who may act on the delegation, as long as the governor approves. The legislature may authorize the use of compulsion in the form of an "arrest," meaning that members can be taken into custody for the purpose of requiring their attendance.

I hope this elaboration is useful.

Sincerely,

Michael Kron

From:

**BOSS Fred** 

To:

KNOTT Aaron D; BOSS Fred; KANTOR Henry; KRON Michael C; ISAAK Misha \* GOV

Cc:

KRON Michael C

Subject:

Re: Advice needed ASAP - CONFIDENTIAL AND PRIVILEGED

Date:

Tuesday, June 18, 2019 3:28:45 PM

Misha- Although we have not had time today to complete a formal opinion, we have reviewed our 1971 opinion on compelling attendance of legislators and the subsequent 2001 letter opinion on that same matter. We stand by those opinions. In addition, we have reviewed the Legislative Counsel opinion of May 8, 2019. We believe the Legislative Counsel opinion is correct and consistent with our prior opinions.

We also believe the Governor has discretion, in consultation with you, to determine what type of compulsion she wishes the OSP to use to effect the attendance of the legislators. FRED

Sent from my Verizon, Samsung Galaxy Tablet

----- Original message -----

From: ISAAK Misha \* GOV < Misha. ISAAK @oregon.gov >

Date: 6/17/19 8:36 PM (GMT-08:00)
To: BOSS Fred <Fred.BOSS@state.or.us>

Cc: KRON Michael C < Michael.C.KRON@state.or.us >

Subject: Advice needed ASAP - CONFIDENTIAL AND PRIVILEGED

Hi Fred. You'll recall that on May 11, I requested advice from DOJ to confirm what I think I understand from the plain text of the Oregon Constitution, prior DOJ opinions/written advice, and historic practice: that the Governor's power to direct the State Police to "arrest and return" absent members of the Legislature, when enforcing a call of the House or Senate, means that the State Police has authority to "arrest," that is, to compel absent members to return to the chamber.

As we have discussed, the question seems almost frivolous because the words of the Constitution confer the power to "compel the attendance of absent members," and if "compel" means anything, it certainly isn't "to provide a voluntary limousine service." Prior written DOJ advice uses the term "arrest." But given the stakes, I think it's important now to get advice from DOJ to confirm the obvious.

As you know, we are in the last days of the legislative session and so it is important to get the advice I requested over a month ago by close of business tomorrow (Tuesday, June 18). A brief email will be fine. Please let me know if this will be a problem.

Thank you, Misha

Misha Isaak General Counsel Office of Governor Kate Brown

Sent from my iPhone

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## **Oregon Constitution**

**ARTICLE III** 

#### **DISTRIBUTION OF POWERS**

**Section 1. Separation of powers.** The powers of the Government shall be divided into three seperate [sic] departments, the Legislative, the Executive, including the administrative, and the Judicial; and no person charged with official duties under one of these departments, shall exercise any of the functions of another, except as in this Constitution expressly provided.-

### 2013 ORS 181,0301

## Powers and duties of department and its members

- (1) The Department of State Police and the members of the Oregon State Police are charged with the enforcement of:
  - (a) All criminal laws; and
  - (b) All laws applicable to highways and the operation of vehicles on highways.
- (2) Each member of the state police is authorized and empowered to:
  - (a) Prevent crime.
  - (b) Pursue and apprehend offenders and obtain legal evidence necessary to ensure the conviction of the offenders in the courts.
  - (c) Institute criminal proceedings.
  - (d) Execute any lawful warrant or order of arrest issued against any person or persons for any violation of the law.
  - (e) Make arrests without warrant for violations of law in the manner provided in ORS 133,310 (Authority of peace officer to arrest without warrant).
  - (f) Give first aid to the injured.
- (3) Each member of the state police has the same general powers and authority as those conferred by law upon sheriffs, police officers, constables and peace officers. A member of the state police may be appointed as a deputy medical examiner.
- (4) The members of the state police are subject to the call of the Governor and are empowered to cooperate with any other instrumentality or authority of this state, or any political subdivision, in detecting crime, apprehending criminals and preserving law and order throughout this state, but the state police may not be used as a posse except when ordered by the Governor. [Amended by 1961 c.434 §7; 1971 c.467 §3; 1973 c.408 §30; 1977 c.595 §1; 2009 c.11 §16; 2011 c.547 §3]

<sup>&</sup>lt;sup>1</sup> Legislative Counsel Committee, CHAPTER 181—State Police; Crime Reporting and Records; Public Safety Standards and Training; Sex Offender Reporting; Private Security Services, https://www.oregonlegislature.gov/bills\_laws/ors/2013ors181.html (2013) (last accessed Apr. 27, 2014).

# 2013 ORS 181.050<sup>1</sup> Duty to enforce laws and regulations of agencies

The state police, with the approval of the Governor, may be called upon by any other branch or department of the state government to enforce criminal laws or any regulation of such branch or department. [Amended by 1971 c.58 §1]

<sup>&</sup>lt;sup>1</sup> Legislative Counsel Committee, CHAPTER 181—State Police; Crime Reporting and Records; Public Safety Standards and Training; Sex Offender Reporting; Private Security Services, https://www.oregonlegislature.gov/bills\_laws/ors/2013ors181.html (2013) (last accessed Apr. 27, 2014).

Dexter A. Johnson

LEGISLATIVE COUNSEL

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900 COURT ST NE S101 SALEM, OREGON 97301-4065 (503) 986-1243 FAX: (503) 373-1043 www.oregonlegislature.gov/ic



# STATE OF OREGON LEGISLATIVE COUNSEL COMMITTEE

February 8, 2016

Representative Mike McLane House Republican Leader 900 Court Street NE H395 Salem OR 97301

Re: Authority of the House of Representatives to compel member attendance

Dear Representative McLane:

You have asked what authority the House of Representatives has to compel the attendance of members, if members of the Republican caucus choose to be absent so as to deny a quorum of the House and a Call of the House is made. We will explain that authority generally and then go over the scope of that authority relative to specific geographic areas.

At the outset, we caution that there is very little legal precedent in this area. First, as an historical matter, a legislature's need to compel members' attendance has been rare. Second, courts seldom intervene in disputes involving the internal operations of another branch of government and often are unable to do so because of separation of powers principles. *Lessard v. Snell*, 155 Or. 293, 296-297 (1937). As a result, there are few cases involving a legislature's authority to compel members' attendance. Our analysis, therefore, relies on history and tradition. Furthermore, where constitutional interpretation bears on our analysis, we employ the methodology the Oregon Supreme Court uses to interpret original provisions of the Oregon Constitution.<sup>1</sup> That methodology involves consideration of three factors: (1) the wording of the provision; (2) the historical circumstances leading up to the enactment of the provision; and (3) prior case law interpreting the provision. *Priest v. Pearce*, 314 Or. 411, 415-417 (1992). The wording of the provision includes analyzing how words were commonly understood during the middle of the 19th century when the Oregon Constitution was drafted. *State v. Vasquez*, 336 Or. 598, 604 (2004).

The relevant constitutional provisions are:

- Article IV, section 11, of the Oregon Constitution, which grants the House of Representatives the authority to "determine its own rules of proceeding."
- Article IV, section 12, which grants the authority to "compel the attendance of absent members."

<sup>&</sup>lt;sup>1</sup> The constitutional provisions relevant to this opinion—Article IV, sections 11, 12 and 17—are original provisions of the Oregon Constitution as adopted in 1859. Article IV, section 17, was the subject of a minor technical amendment in 2012 that changed the term "legislative department" to "legislative branch." Because the amendment to section 17 was nonsubstantive, we conclude that section 17 should appropriately be considered an original provision of the Constitution for purposes of determining the appropriate methodology of constitutional interpretation.

> Article IV, section 17, which grants "all powers necessary for a chamber of the Legislative Branch, of a free, and independent State."

#### A. Compel by force

Each of the three relevant constitutional provisions serves as a basis for the House to order members to attend chamber floor proceedings, even including through the exercise of physical force. We also note that for the limited purpose of compelling attendance, a minority of the House may act. Article IV, section 12, of the Oregon Constitution, and *Mason's Manual of Legislative Procedure* §191 (2010 ed.).<sup>2</sup>

#### 1. Article IV, section 12

The most explicit authority is the power "to compel," as set forth in Article IV, section 12, which grants the House the authority to bring absent members to the chamber.

Today, the term "compel" does not usually include the concept of physical force. *Merriam-Webster's Unabridged Dictionary* (2016). At the time Oregon adopted its Constitution, however, the term "compel" meant "to necessitate, either by *physical* or moral *force*," and "to *take by force or violence.*" *Webster's National Pictorial Dictionary* at 138 (1867) (emphasis added). Therefore, the authority to compel means what we today commonly call the authority to arrest: "[a] seizure or forcible restraint, esp. by legal authority." *Black's Law Dictionary* at 130 (10th ed., 2014). Accordingly, Article IV, section 12, appears to allow "a smaller number" than a quorum of the House to cause absent members to be arrested for the purpose of compelling attendance to achieve a quorum of the House. There has been no case in Oregon courts, however, interpreting the meaning of section 12, nor any recorded debate on it when the framers adopted the provision at the 1857 constitutional convention. *See* Burton, "A Legislative History of the Oregon Constitution of 1857-Part II," 39 Willamette L. Rev. 245, 295 (2003).

#### 2. Article IV, section 17

Article IV, section 17, recognizes that a branch of government has powers inherent to the nature of the branch, regardless of whether the Constitution lists them. For example, a court has the power to punish a person who misbehaves in court, regardless of whether a specific provision of law confers that authority. *State v. Pearson*, 136 Or. App. 20, 25 (1995). Similarly, the Legislative Assembly has the inherent powers necessary to carry out its constitutional obligations: legislative bodies "possess not only such powers as are expressly granted to them by the Constitution, but such auxiliary powers as are necessary and appropriate to make the express powers effective." *McGrain, Deputy Sergeant at Arms of the United States Senate v. Daugherty*, 273 U.S. 135, 173 (1927). Those inherent powers include the power to bring a person to the chamber by force. 273 U.S. at 174-175 (Senate officer may execute warrant to bring person to chamber by force).

The framers of the Oregon Constitution elected a sergeant at arms for their convention and discussed the position as though they understood that the sergeant at arms could use force to ensure members' attendance: "sending the sergeant at arms after [a] member who wished to leave." H. Carey, *The Oregon Constitution and Proceedings and Debates of the Constitutional Convention of 1857*, at 210 (1926).

<sup>&</sup>lt;sup>2</sup> Mason's Manual applies to the extent Mason's does not conflict with the Oregon Constitution or House Rules. See House Rule 2.01 (2015-2016).

Some have questioned whether the House may compel a member to attend when Article IV, section 9, of the Oregon Constitution grants members a privilege from "arrest during the session." The Oregon Supreme Court has recognized that the privilege against arrest is a protection afforded to legislators only to the extent necessary to perform legislative functions. State v. Babson, 355 Or. 383, 419 (2014). It follows that the privilege to be free from arrest is unlikely to be able to be asserted in order to avoid performing legislative functions. This conclusion aligns with the rule that has developed in other states; namely, that "a legislator's privilege against arrest cannot be asserted against the legislature itself." 5 Am. Jur.2d. Arrest §108; see also Mason's Manual §568(1) (legislator privilege from arrest necessary to ensure normal functioning of legislative body).

#### 3. Article IV, section 11

Article IV, section 11, provides that each house of the Legislative Assembly may prescribe by rule the procedures by which that house will govern itself. Although rulemaking authority derives from the Constitution, the House is the final arbiter of the interpretation and scope of its rules. In other words, the meaning of a House rule is not a legal question. *Mason's Manual*, §71.

House Rule 15.05(3)(c) requires the Sergeant at Arms to "[e]xecute all processes issued by authority of the House." The House could interpret that process to include a command to bring a member to the chamber by force because "a lesser number [than a quorum] of members may . . . compel the attendance of absent members." House Rule 3.01(2).

The House relies on the principles in *Mason's Manual* when a constitutional provision or House rule does not cover a situation. House Rule 2.01. Because a constitutional provision and the rule provide the House the authority to bring an absent member to the House by force, there is no need to resort to *Mason's Manual* for the authority to compel the attendance of a member. *Mason's Manual* would, however, provide that authority and is consistent with the constitutional and House rule authority described above: "In order to compel attendance, members may be arrested and, when arrested, they continue in the custody of the arresting officer until discharged by the house." *Mason's Manual* §561(5).

#### 4. How an arrest is made

As noted above, House Rule 15.05 authorizes House officers to enforce the body's orders. The officers of the House consist of the Speaker, the Speaker *Pro Tempore* and the Chief Clerk. House Rule 7.01. The Chief Clerk is required to appoint a Sergeant at Arms. House Rule 15.05(2)(a). As noted above, the Sergeant at Arms' duties include executing process issued by authority of the House. House Rule 15.05(3)(c). In other words, the Sergeant at Arms may serve as the arresting officer in compelling absent members to attend.

A legislature's inherent authority includes the power to appoint deputies to assist a sergeant at arms to enforce orders. *McGrain*, 273 U.S. at 174-175. The Constitution does not grant the House the authority to direct an officer of another branch of state government or of a political subdivision of this state to carry out the House's orders. The Legislative Assembly has that authority, but exercising that authority requires statutory enactment involving both legislative chambers. The Legislative Assembly has granted sheriffs the authority to carry out the order of a court, but not of a house of the Legislative Assembly. ORS 206.010. The Legislative Assembly has granted the Oregon State Police the authority to carry out an order of a house of the Legislative Assembly, but that authority is contingent upon the approval of the Governor. ORS

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181A.090. Stated more clearly, the Oregon State Police may arrest absent legislators if the Governor approves use of the state police for that purpose. No other law enforcement agency may assist the House in executing an arrest order issued by the House.

We further discuss how an arrest is achieved and limitations on effecting an arrest under "Limitations on compulsion due to geography" (discussed below).

#### B. Compel by coercion

A member "who is absent without leave of the house may be found to be in contempt." Mason's Manual §561(4). When a person acts in contempt of an order of a court, the court has the inherent authority to impose a penalty that will end when the person complies with the order. State ex rel. Oregon State Bar v. Lenske, 243 Or. 477, 492 (1965), cert. denied, 384 U.S. 943 (1966); ORS 33.025 (1). Courts view this power to coerce compliance with orders as necessary to their "very existence." Lenske, 243 Or. at 493 (citation omitted). Although we have found no authority in Oregon on the issue, other states' courts have concluded that a legislature has the same need for the power to coerce a person to comply as a court does. See 17 Am. Jur.2d Contempt §232 (authority of state legislature to exercise contempt power recognized as a necessary incident inherent in the organization of legislative bodies). As Mason's Manual explains in §561(6), "[t]o deprive a house of its power to compel the attendance of any or all members would destroy its function as a legislative body."

A means of coercing a person to comply with an order is to require the person to pay a sum of money for each day of noncompliance. For example, in ORS 33.105 (1), the Legislative Assembly allows a court to require a person to pay up to "\$500 or one percent of the [person's] annual gross income, whichever is greater, for each day the contempt of court continues." Within this limit, the court's discretion is further limited by the constitutional principle that the amount of payment required must not exceed the amount reasonably necessary to cause the recalcitrant person to obey the order. *Spallone v. United States*, 493 U.S. 265 (1990).

Although not completely free from doubt, we believe that, under the same limitations and pursuant to Article IV, section 12, a lesser number than a quorum of the House could impose a monetary sanction designed to coerce compliance with its order. If the House chose to impose a monetary sanction, the House would need to provide a member with a procedure, like that set forth in Legislative Branch Personnel Rule 27 (pertaining to discipline for workplace harassment) for contesting the sanction.

#### C. Limitations on compulsion due to geography

You asked for specific guidance on whether the House has the authority and jurisdiction to effect an arrest of an absent member who is located at a specific location. We analyze each location in turn. For purposes of all of our answers, we assume that the House has requested the assistance of the state police, and that assistance has been authorized by the Governor.

#### 1. The Salem Convention Center

Both the state police and the Sergeant at Arms could arrest an absent member located in the Salem Convention Center or any other location in the State of Oregon. For the reasons discussed above, an order for arrest to compel attendance that is issued by the House is lawful, and effecting that arrest is within the scope of duties of both the Sergeant at Arms and the state police.

#### 2. The Spirit Mountain Casino on Grand Ronde tribal lands

The Grand Ronde is a federally recognized Indian tribe that was terminated from federal recognition in 1954 and restored to federal recognition in 1988. Pub. L. 100-425, 102 Stat. 1594 (1988). One effect of the restoration of federal recognition was to grant criminal and civil jurisdiction over the reservation, and over individuals on the reservation, to the State of Oregon. *Id.* The extent of Oregon's jurisdiction over the Grand Ronde is outlined in 18 U.S.C. 1162(a) and 28 U.S.C. 1360(a), commonly known as Public Law 280.<sup>3</sup> Public Law 280 grants civil jurisdiction over certain causes of action in Indian country<sup>4</sup> to the state if those causes of action are:

between Indians or to which Indians are parties which arise in the areas of Indian country ... to the same extent that such State has jurisdiction over other civil causes of action, and those civil laws of such State that are of general application ... shall have the same force and effect within such Indian country as they have elsewhere within the State[.]

28 U.S.C. 1360(a). The state does not have civil jurisdiction over property issues on the reservation. 28 U.S.C. 1360(b). Finally, by tribal ordinance the Grand Ronde maintains jurisdiction over certain matters of particular significance to the tribe, but having no bearing on your question. See Grand Ronde Tribal Court Ordinance ch. 302.

Applying these principles to the circumstances you describe, we conclude that the Sergeant at Arms or the state police could make an arrest on the Grand Ronde reservation if authorized to do so elsewhere in the state. The constitutional provisions that are the basis for the House's authority to order the arrest of members to compel their attendance likely constitute "civil laws of such State" that under Public Law 280 must be given the same force and effect on a reservation as the laws have elsewhere in the state.

#### 3. The states of Washington or California

The State of Oregon has executed mutual law enforcement assistance agreements with both the State of Washington and the State of California. ORS 190.472. These agreements, and statutes enacted in Washington and California, govern the authority of a law enforcement official in Washington or California to act on behalf of Oregon law enforcement in the arrest of an individual in Washington or California, and also govern the authority of an Oregon law enforcement officer to act within Washington or California.

Under Revised Code of Washington (RCW) 10.93.020, a member of the Oregon State Police, but not the House Sergeant at Arms, would be able to act as a "specially commissioned Washington peace officer." RCW 10.93.090 authorizes a specially commissioned Washington peace officer to act pursuant to a mutual law enforcement assistance agreement. These agreements appear to be entered into between local law enforcement agencies. Although time

<sup>&</sup>lt;sup>3</sup> Pub. L. 83-280, 67 Stat. 588 (1953).

<sup>&</sup>lt;sup>4</sup> "Indian country" is defined in 18 U.S.C. 1151 as "(a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same."

does not permit an exhaustive exploration of this topic, these agreements appear to be limited to enforcing traffic and criminal laws and do not extend to enforcing a civil arrest order issued by a house of the Oregon Legislative Assembly.<sup>5</sup>

A similar analysis applies in California. Cal. Pen. Code 830.39 provides that a law enforcement officer of the Oregon State Police is a peace officer in California for the purpose of providing law enforcement services within 50 miles of the Oregon-California border or pursuant to an agreement in effect between Oregon and California jurisdictions. As is the case with Washington-Oregon agreements, we have been unable to review the details of any California jurisdiction-Oregon jurisdiction agreement, but descriptions of these agreements appear to limit their scope to traffic and criminal matters as well. If so, neither a California law enforcement officer nor a member of the Oregon State Police would be authorized to arrest an absent member of the Oregon House who is located in California.

#### 4. Canada

Whether an absent member of the Oregon House can be subject to civil arrest when located in Canada is governed by the Canadian Extradition Act, S.C. 1999, ch. 18. Section 3 of the Extradition Act limits extradition from Canada to persons whose alleged conduct, had it occurred in Canada, would have constituted an offense punishable in Canada by imprisonment for a maximum term of two years or more. The arrest of absent members of the Oregon House would be a civil matter that would not meet the minimum criteria for Canadian action under the Extradition Act. Accordingly, absent members of the House who are located in Canada would not be able to be compelled to return to Oregon.

The opinions written by the Legislative Counsel and the staff of the Legislative Counsel's office are prepared solely for the purpose of assisting members of the Legislative Assembly in the development and consideration of legislative matters. In performing their duties, the Legislative Counsel and the members of the staff of the Legislative Counsel's office have no authority to provide legal advice to any other person, group or entity. For this reason, this opinion should not be considered or used as legal advice by any person other than legislators in the conduct of legislative business. Public bodies and their officers and employees should seek and rely upon the advice and opinion of the Attorney General, district attorney, county counsel, city attorney or other retained counsel. Constituents and other private persons and entities should seek and rely upon the advice and opinion of private counsel.

Very truly yours,

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<sup>&</sup>lt;sup>5</sup> See, e.g., "Clark County—Master Interlocal Mutual Law Enforcement Assistance Agreement" executed by the Oregon Counties of Clackamas, Columbia, Multnomah and Washington and the Washington Counties of Clark and Skamania, available at <a href="http://mrsc.org/Home/Search.aspx?i=46&q=%22mutual%20law%22">http://mrsc.org/Home/Search.aspx?i=46&q=%22mutual%20law%22</a> (visited February 8, 2016).